THE NATION

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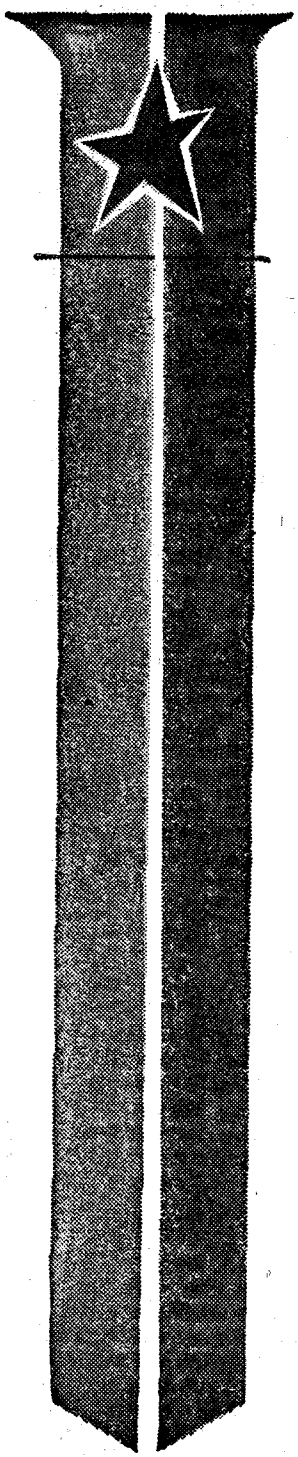

Chicago

RISE of the NEGRO MILITANT

Hoyt W. Fuller

A Case History
Of Military Justice

THE ORDEAL OF CAPTAIN KAUFFMAN

Fred J. Cook

MYTH-IMAGE of the SCIENTIST

Hilbert Schenck, Jr.

SOVIET VIEW of WORLD WAR II

Alexander Werth

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LETTERS

Too many drugs?

"The Aspirin Jungle" in our Aug. 24 issue, in which Brian Inglis, a British medical historian, attacked the medical profession for the overuse of drugs, elicited many sharp letters of criticism from physicians among our readers. We selected a more or less typical letter for publication, and append thereto Mr. Inglis' answer.—EDITORS.

New York City

Dear Sirs: As a practicing physician for the past thirty-five years, I would caution the readers against Mr. Inglis' therapeutic nihilism.

His article contains some reckless and irresponsible allegations. As an example: "It is quite possible that many people now lie under suspended death sentence. . . . " This alarming statement will initiate a chain reaction of morbid fear over past and present medication. It will stimulate capricious and unjust malpractice suits by invalids attributing their illnesses to medication in the dim past.

The notion that disease is an evolutionary trap set to snare the unfit is so much pseudo scientific garbage. . . . Of course some drugs have distressing and disagreeable side effects. But by and large their contribution to effective therapy has been most gratifying.

I employ chloromycetin whenever it is indicated and find it exceedingly effective. Employed according to the firm's directions, the hazards are minimal.

Derivatives of cortisone have been a blessing to patients suffering from resistant skin diseases. It is still a very desirable drug in rheumatoid arthritis, especially in cases sensitive to salcylates or not benefited by them. . . . Imferon is back on the market after reports of its toxicity have been proved unfounded. My experience with tranquilizers in children with emotional disturbances has been gratifying. The youngsters are not aware of the medication. Placebo my eye. . . .

Recent remarkable advances in enzyme- and biochemistry have contributed enormously to our understanding of the effects of certain drugs on cellular physiological processes. We are hopeful that in the not distant future drugs will be elaborated which will supplement deficient enzymes and substitute for missing ones.

If the image of the doctor is a bit tarnished of late, it is not because of drug therapy. There are other reasons. If people drift to crackpot cults and quacks it is not because of medication. Americans as a nation are notorious joiners. Secret societies, scatterbrained health cults, etc., abound in the American social milieu.

And Mr. Inglis need not be concerned about the doctor's losing his patients. The average physician has more patients than he cares to treat. And when the individual who swore off doctors is really sick, he is back in the doctor's office for any drug that will alleviate his misery. . . .

George S. Meister, M.D.

London

Dear Sirs: If Dr. Meister believes that the hazards of chloromycetin have been minimal when the drug has been "employed according to the firm's directives," I suggest that he read the Kefauver report. If he thinks that when children are not aware of being medicated there can be no placebo effect, then he can hardly have read his medical journals very carefully for the last decade; much of their space is occupied in presenting the results of research "double blind"—a complicated business made necessary by the fact that if the doctor believes in his remedy, his belief can influence his patients' reactions to it.

But the most damning sentence in Dr. Meister's letter is the one where he says, "Imferon is back on the market after reports of its toxicity have been proved unfounded." They haven't. According to Professor Alex Haddow, FRS, Director of the Chester Beatty Research Institute in London, the drug has been found to produce tumors in five species of animals after a latent period of nine months or more. Professor Haddow was careful to point out that this did not necessarily mean that Imferon would cause tumors in human beings; but "if there is a risk in man—and, as I say, we do not know—it might not become evident until twenty years from the date of treatment. . . . In light of all the circumstances, I believe its use should be severely restricted to cases in the older age groups." Yet Imferon, *even after the report came out,* continued to be advertised for pregnant women.

Brian Inglis

An apology

New Haven, Conn.

Dear Sirs: Since writing "Hoosier Witch Hunt" (*The Nation,* May 25) I have learned that more was going on at Indiana University in defense of YSA's civil rights than I knew at the time. Professor Ralph Fuch's letter to you was in large measure justified, and I am pleased to acknowledge this. Moreover, my article hurt and embarrassed friends and colleagues at I.U. — an effect not at all envisaged when I undertook to speak out against the Bloomington prosecutor's idea of "the American way." For this I wish to apologize publicly. Strength and good luck to my former associates in their resolve to keep academic freedom high on the list of I.U.'s many virtues.

Norwood Russell Hanson

Beardsley letters

Dear Sirs: I am helping to prepare a new and complete edition of the letters of Aubrey Beardsley, and would be most grateful to any *Nation* readers who possess originals if they would supply me with particulars and, if possible, copies. My address is Hillnemon, Bailes Lane, Normandy, Guildford, Surrey, England.

Henry Maas

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The March

The March will go down in history as a superb example of orderly, democratic self-expression. It should bring a blush of shame to the cheeks of those who tearfully voiced a variety of misgivings about the enterprise and suggested that it should not be staged. It should also mildly embarrass those who deployed troops and police as though Washington were about to be besieged by a hostile army instead of being visited by a vast number of friendly and well-disposed citizens who conducted themselves with the utmost restraint, dignity and impressive dedication to a fine public purpose. The demonstration should also establish what has been clear all along — at least to those who have had more than a nodding acquaintance with the so-called "Negro problem" — that the Negroes are probably the least alienated of America's racial minorities and the least revolutionary in any ideological sense. The overwhelming drive of American Negroes, in all regions, at all levels, is for middle-class status; they want to participate, on terms of freedom and equality, in the Great American Barbecue. This should prove reassuring to timid statesmen — Rep. William Jennings Bryan Dorn (D., S.C.) warned his colleagues in the House that the March would prove to be as dangerous as the Fascist march on Rome by Mussolini in 1922 — and equally timid editorial writers, some of whom have acted as though Negroes were an affiliate of the Mau Mau in Kenya.

But a question remains: after the civil-rights issue has been won, as it will be — that is, after all legally sanctioned forms of Jim Crow discrimination have been removed — what then? All that needs to be done to take the disturbing overtone out of this question is to grant Negroes the right to join the American middle class on terms of full freedom and equality. This is far from an intimidating prospect; it could mean greater buying power, more profits, a higher GNP. In practical terms, however, it poses some major social, economic and political problems. But civil rights is the first phase and victory in this should set the stage for the larger reforms and structural changes in the economy that must come next.

Booby Trap

In one of a series of editorials which began two and a half years ago, *The Nation* referred to South Vietnam as "a booby trap for the U.S." Events have proved the accuracy of the appellation. But there is worse to come. Unless the Kennedy Administration learns its lesson, the "falling dominoes" theory will prove valid, though not in the way in which Mr. Kennedy has invoked it. First South Vietnam, then other American satellites in Southeast Asia, will fall. The alternative could be full-scale American intervention — with not thousands, but hundreds of thousands of men, and maybe even nuclear weapons.

The Kennedy Administration inherited the South Vietnam problem from President Eisenhower, John Foster Dulles, Allen W. Dulles and various minor adjuvants. The idea was that, with massive American economic aid and military assistance on a relatively modest scale, an authoritarian government could save the country from communism. About $3 billion was invested in the enterprise and input is proceeding at the rate of about $500 million a year. The military assistance has exceeded earlier estimates of the requirements. Thousands of American combat personnel were sent to South Vietnam before the Pentagon let on that anything unusual was happening. Last year the estimates stood at 8,000. This year newsmen quoted 12,000 in their dispatches; when the crackdown on the Buddhists began, the figure suddenly jumped to 14,000 or 15,000. Over a hundred Americans have been killed in combat or in accidents connected with combat.

A country, however small, cannot be kept in permanent subjection by a gang like the Ngos, with what amounts to an SS of their own and an Army supplied and supervised by a foreign power. Even in Hungary, the Russians had to substitute a Kadar (a former dissident) for a party boss, Rakosi, and make various concessions. The United States has kept the Ngos in power while popular resentment continued to build up. In her New York *Herald Tribune* articles, Marguerite Higgins devotes much space to proving that the Buddhist movement is political more than religious. Of course it is! Religion always becomes an outlet for disaffection when all other media of expression are shut off. Consider the Negroes in our own South.

That American support for the Ngos and their followers has often been reluctant may be a mitigating factor in Washington, but in Saigon or Hué people are interested in their own troubles, not in ours. "Diem Clubs Down Student Foes, Puts 1,000 Behind Barbed Wire," reads the headline, not in *Izvestia* or the *Daily Worker*, but in the *Herald Tribune*. These are our clubs, our rifles, our wire, and the Vietnamese know it. The North Vietnam radio charges that the recent events "lay bare the Fascist and utterly cruel U.S. Diem regime [which uses] the anti-Communist signboard to persecute those who cherish democratic liberties and freedom of belief in South Vietnam." The truth is not altered by the fact that it is Hanoi broadcasting it.

The cardinal fallacy of American policy has been the idea that "victory" could be achieved by personnel and methods as evil as any the Communists have employed, and that democracy can use tyranny as its shield. The situation will deteriorate as long as these

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grotesque notions prevail in Washington. Should the time come when they can be dislodged, the form a *démarche* might take can be discussed. It will have to take in far greater scope than South Vietnam alone.

Short and Long Term

In a recent editorial, "Where Democracy Ends" (August 24), *The Nation* suggested that foreign investment is often the decisive factor in U.S. foreign relations. This truism is confirmed by Joseph Lelyveld's article, "U.S. Investments in South Africa Show Big Rise," in the August 18 *New York Times*. "If twenty-eight United Nations resolutions are any sign," Lelyveld comments, "South African racist apartheid policies have made her an outcast among nations. But the American investor's reaction to the first twenty-seven makes it a fair guess that he will not be put off by number twenty-eight, passed in the Security Council this month."

Measured by investment, the British are South Africa's best friend and we, with over $600 million, show scarcely less affection. Britain and the United States also absorb nearly half of South Africa's exports. In the Security Council, Adlai E. Stevenson, our eloquent Ambassador, deplores apartheid as "a bitter toxic," but to American business it is more like a tonic. The First National City Bank and Chase Manhattan are expanding their operations in South Africa, keeping pace with prime U.S. industrial corporations, such as (in the order of *Fortune* magazine ranking) General Motors, Goodyear, Firestone, American Cyanamid, American Metal Climax, Kaiser Aluminum & Chemical, Champion Spark Plug, etc.

This should not come as a surprise. Why should our major corporations behave differently abroad than at home? They practically all engaged in a massive Southward migration while the American Negro was still under the heel of the white supremacists and, if they are now showing some solicitude, it is because their tranquillity is imminently threatened by the Negro revolt. In South Africa, the white supremacists are firmly dominant and business can go on as usual.

In the last fiscal year, South Africa's GNP was up 7.5 per cent, a rise in which U.S. investment was a factor. Our government keeps hands off. A Commerce official said the department was "neither encouraging nor discouraging" American investment in South Africa, adding, "American business is doing pretty much as it pleases." A State Department official was even franker: "We respect the right of Americans to invest where they want to invest."

For the short term, apartheid has proved good for profits: in this sense the 1960 Sharpsville shootings (sixty-seven dead, 186 wounded) were a success. Money goes where money is—now. A General Motors official, however, made a comment which the elder Morgan would have found strange—he was said to think a decade ahead. General Motors, this spokesman said, "has not given that racial situation any thought whatsoever, either in its short-term or its long-term planning." The day will come when the enmity of the newly independent African and Asian nations, and internal revolt, will jeopardize both Afrikaner lives and American-Afrikaner investments, and General Motors will wish it had given "that racial situation" a bit of thought.

Heart of the Matter

Though its impact is much broader, the railroad dispute is comparable in many ways to the dispute that broke out in the air industry last year. In both instances, technology has overtaken manpower. In the air industry, the victims were the flight engineers; in the rail industry, they are the firemen. Both situations may be classed as tragic and inevitable. Nothing is going to stop technology; and nothing, in the long run, is going to protect the worker's job when machines can be made to do it better and more quickly. Collective bargaining was never designed to solve this problem, and it never will. *The Nation* holds no brief for railroad management, which has shamelessly exploited the "featherbedding" issue in an attempt to cover its own long history of mismanagement and utter disdain not only for its workers, but for the public which pays the salaries and wages and all the expenses of investment and operation. But it is equally true that history is kicking the fireman out of the locomotive cab, and he cannot resist indefinitely.

In a sense, the embroilment of government in this issue — despite labor's long, and justified, dislike of legislative curtailment of its prerogatives — could turn out to be a blessing. At least it places responsibility for one of society's most grievous problems in the public domain, where it belongs. And it forces politicians to face a situation from which they would fain avert their eyes.

The problem is neither to stop automation nor to curtail technological improvement, even at the expense of jobs. The problem is how a wealthy country can use some of its wealth to cushion the blow to the victims. In some areas — Harry Bridge's West Coast longshoremen's union, for instance, or the Kaiser steel plants— satisfactory, short-range solutions have been worked out jointly by labor and management. But in its broader aspects, the problem of our growing army of jobless demands a richer treasury and a more integrated approach than lie within the power of either management or labor to give. In this sense, what the arbitration commission that was set up by Congress decides about the exact procedures for settling the railroad dispute will prove less important, in the long run, than the program it evolves for taking care of those workers who must inevitably lose their jobs. It is upon this aspect that forward-looking legislators, unionists and employers must concentrate their energies. The business-vogue phrase, to "think big," has become a burlesque because its only objective has been to think in terms of profit, but this is a time to think big in terms of human beings and the nation they constitute.

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The Ordeal of Captain Kauffman . . . . . Fred J. Cook

I. Visitors at Midnight

Until one fateful night in mid-November, 1961, Captain Joseph Patrick Kauffman, a finance officer, U.S. Air Force, had lived a life full of overtones in the Horatio Alger tradition. His had been a struggle that might have been entitled, "Up from the Orphanage." A waif, he had begun life shuttling from foster home to foster home. He had worked his way through college; he had entered military service as a private in World War II; he had risen from the ranks to commissioned status; his personal record was spotless. In civilian life, he had never been dismissed from a job; in fourteen years in military service, he had never drawn a reprimand. If he had never married the boss's daughter (actually, he had remained a bachelor), his career still reflected that rise from neglect and poverty to a position of honor and status that we like to consider a key element of the American dream—a dream that, in Captain Kauffman's case, was now about to be suddenly and irretrievably shattered. As he lounged in his three-room bungalow at 129½ Cedar Avenue, Atwater, Calif., fate came gumshoeing upon him out of the November dark in the persons of agents from the OSI (the federal Office of Special Investigations, the investigative arm of the Air Force).

For in East Germany a secret-service agent had defected to the West. He had come bearing gifts, the principal one consisting of the charge that Captain Kauffman was, in effect, a traitor to his country—that the Captain, in a secret visit to East Berlin in late September-early October, 1960, had supplied Soviet bloc agents with military information and had entered into a solemn pact to conduct espionage for them.

Just what kind of man was this Air Force Captain whose impeccable career was so suddenly to be ended by the first hint of the word "espionage"? It became apparent almost from the outset that here was the vital question. For, in the court-martial action that was soon to begin and in all the subsequent legal processes not yet concluded, it became quickly evident that there was in this case virtually no proof beyond the word of one man against another—Captain Kauffman's word against that of Guenter Karl Maennel, the East German secret-service agent who had changed his spots and his allegiance. As one military reviewing authority was to write: "The question of guilt or innocence depends upon a determination of which of two witnesses to believe: the accused or Guenter Maennel. The question of credibility as between these two is the crux of the case."

Since this is so, a personal portrait of the protagonists in the unfolding drama of the ordeal of Captain Kauffman becomes imperative. Unfortunately, it remains to this day impossible to draw any real picture of Guenter Karl Maennel. Even when he testified, he testified in disguise—a false mustache, a false hair-do, stage make-up, dark glasses — and beyond the vaguest details, nothing was revealed about his earlier life. About him and all his doings, our all-precious military secrecy threw a smothering protective blanket of suppression, and so the man remains untouchable, barely real, a figure in masquerade out of the pages of E. Phillips Oppenheim.

Quite in contrast stands Captain Kauffman, a man whose past, even after arrest and disgrace, survived the searching inquisition of the OSI without a blemish. At the time of his fateful mid-November rendezvous with the OSI agents, Captain Kauffman looked younger than his forty-three years. Chunkily built, he had close-cropped, jet-black hair, parted on the left side. His forehead was high, his eyes widely spaced. His face was long, yet with a hint of chubbiness about the cheeks; his mouth wide, with a downward droop at the corners that gave him at times an expression of glumness. His skin was clear, unmarred by line or wrinkle.

Born in Rutland, Vermont, on August 10, 1918, Joseph Patrick Kauffman and his two brothers were cast out early upon the world. The future Air Force Captain was in his infancy when his mother died, and his father, abandoning the children, turned them over to a foundling home. In subsequent years, young Kauffman passed from family to family, living in about fifteen different households. He started to work when he was ten, and, as he later testified, he had been working ever since. He attended a number of grade schools in New York City and State, and later went to the Theodore Roosevelt High School in the Bronx, where he was an average student. Though he never graduated from high school, he managed to get himself accepted at the University of Wyoming, and he traveled west to Laramie to complete his education.

> I worked my way completely through college [he later testified]. I held as many as six jobs at one time. I was a janitor; I made sandwiches in the student building; I also was the houseboy of the Professor of Military Science and Tactics; I was an usher at basketball and football games; I was a banquet waiter; and my Saturday night job was that of relief watchman.

By dint of such labor, he graduated from Wyoming with a Bachelor of Science degree in agriculture in June, 1941. Senator Joseph C. O'Mahoney, with whom he had talked, had promised to find him a job in Washington. Meanwhile, he worked in the Carleton Hotel. Three months later, the Senator got him

Fred J. Cook's latest "special" in The Nation *was "The Corrupt Society" (June 1, 1963). He is the author of* The Warfare State *and other books.*

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a job in the Department of Agriculture. He worked for the department in several cities, but the United States was involved in World War II and service called. He tried to enlist in the Navy's V-12 program, but was rejected for deficient eyesight. In October, 1942, the Army took him.

Kauffman saw World War II service in British West Africa, the Anglo-Egyptian Sudan and Arabia. In 1945, he returned to the States and entered Officers Candidate School in medical administration at Carlisle, Pa. By the time he left the service in September, 1946, he was a first lieutenant. He returned to his job with the Department of Agriculture, but the Korean crisis developed and in April, 1951, he was called back into service with the Reserve unit to which he belonged. He had remained in the service ever since; had been promoted to captain in April, 1953; had been awarded the Bronze Star, American Theatre, the World War II Victory Medal, the UN Service Medal and the Korean Service Medal. His service had always been satisfactory; he had received various commendations. Significantly, it would seem, he had never handled secret documents.

September, 1960, found him winding up a one-year tour of duty at the Sondrestrom Air Base in Greenland. The installation itself was probably one of America's least secret bases. It was used as an emergency landing field for the Military Air Transport Service and as a commercial stop for the Scandinavian Airlines System. There were no security regulations in force on the base, and Danish personnel, both those stationed permanently at Sondrestrom and airlines personnel flying in and out, were free to use all the buildings and facilities. These details assume some significance in the light of what was soon to follow.

Captain Kauffman, ending his Greenland hitch, received orders transferring him to his next assignment, the Castle Air Force Base in Merced, Calif. With a leave to enjoy before reporting, Captain Kauffman decided to spend a short vacation in Europe, visiting countries he had never seen before. In Newfoundland, he hitched a ride on a MATS aircraft that landed him in Paris. On the flight he met Peter Borck, a guard at the Tomb of the Unknown Soldier in Washington, and they struck up a brief friendship.

Paris, they found, was still jammed with tourists, and Borck suggested they go on to Hamburg, where he had relatives. Captain Kauffman was agreeable and spent four days in Hamburg, seeing the sights. Then he decided, since Berlin was so close, to go there. On September 28, he purchased a ticket and boarded a train to take him to West Berlin. He did not know (and though he had identified himself at the station, no one had warned him) that American military personnel were not supposed to travel through East Germany and into West Berlin on such trains. The result: three East German policemen, checking the passengers, spotted him and hustled him off.

So, by such mischance, began what was to become the ordeal of Captain Kauffman. According to the story on whose truth he has always insisted, he was held prisoner for nearly two days. A Soviet intelligence officer tried to browbeat him for information; Kauffman refused to tell his interrogator anything, and they engaged in a shouting match. The Soviet officer, evidently defeated, withdrew from the scene, and two much more polite individuals, apparently East German police, took charge of Captain Kauffman. They appeared anxious to have him sign a statement that he had not been badly treated; finally, to secure his release, he consented to sign.

This accomplished, his new custodians became quite friendly, appearing anxious to make amends. Though they released him to go to West Berlin, they made him promise to come back to the Communized Eastern section of the city. When he did, they took him to restaurants, to night clubs, showed him the site of the Hitler bunker and other places of interest. Not until the final day of his stay did Captain Kauffman learn that his solicitous guides were not ordinary German policemen, but agents of the East German secret service seeking to get information from him and to induce him to commit espionage.

Once he learned that, Captain Kauffman got out of Berlin fast. He never went back. He had no further contact. He had supplied nothing. But he had appreciated that he had been placed in a difficult and compromising situation. Superiors, if they knew, might view his version of this entanglement with suspicion, and so he had decided to say nothing about it. When he came to list on his travel form the spots in Europe that he had visited, he omitted all mention of Berlin.

Months went by, nothing happened, and Captain Kauffman had virtually ceased to worry about this harrowing incident. He could not guess that in Europe events were conspiring to trap him. Guenter Karl Maennel was one of those courteous agents who had showed Captain Kauffman the sights of East Berlin. Maennel decided now that the time had come for him to change sides. Making contact with American intelligence, he promised them information—and they promised him protection, pay and employment. A month later, on June 29, 1961, Maennel defected to the West. He assured his welcome by bearing tales of espionage rings, and one of his most lurid tales involved Captain Kauffman.

According to Maennel, much had happened exactly as Captain Kauffman was to insist it had, but with certain vital differences. According to Maennel, Captain Kauffman had signed a statement giving his East German captors military information; he had concluded a pact with them to conduct espionage in America; he had agreed to return to East Germany in 1963 to transmit information and to take a full four-week course in espionage techniques; and he had been given the name of a West Berlin contact through whom he might keep in touch—a woman, Klara Weiss, whose name and address had been written down in Captain Kauffman's personal notebook.

Just what happened next, just what channels this information took through the labyrinth of the military bureaucracy, remains today a mystery. Though the Air Force subsequently was to proclaim with great pride that it had nailed a traitor and a spy, the hierarchy of command was to exhibit a persistent and astonishing bashfulness about taking the credit for this meritorious deed. All that one may deduce from the exhaustive court-martial record is that "somebody up there," forever unidentified, took

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notice and began to act in strange and devious ways.

One of the first and most devious of these maneuvers involved the removal of Captain Kauffman from his own home so that it could be illegally entered and searched in his absence. The Bill of Rights was not worth as much as a piece of scrap paper when the military and the agents of the OSI decided to go to work on Captain Kauffman.

In early November, 1961, the Captain received orders detaching him from Castle Field and sending him off on a two-week special assignment to Travis Air Force Base in Southern California. He locked up his home at 129½ Cedar Avenue, Atwater, and boarded out his pet dachshund, Ricky, who, as a result, was not on the premises to raise an outcry when interlopers came. They lost no time in coming. At 1 A.M. on November 8, 1961, three figures left a parked car and approached the locked, three-room bungalow. The leader—he was later to acknowledge his role in court-martial testimony — was Lt. Col. Raymond E. White of the OSI. He it was who jimmied a window and crawled through, illuminating his way with the tiny beam of a pinpoint flashlight. The two other OSI agents crawled after him. They searched the three rooms—a living room, tiny kitchen and bedroom—for between two and three hours; and then, before the dawn caught up with them, they departed.

The next day, 1 A.M., November 9, they were back. And the day after that. On each occasion, led by the window-jimmying Lt. Col. White, they crawled into the deserted bungalow, spent from two to three hours searching, and departed. In all, some eight or nine hours were spent in these three illegal searches, a persistent and determined endeavor that, if the OSI agents' later courtroom testimony is to be believed, should have convicted them all of incompetence. For, according to this testimony, they discovered absolutely nothing of later evidentiary value; all discoveries were made in a later — and "legal" — search.

Unaware of these shadows that had been operating behind his back, Captain Kauffman returned from his officially ordered detour to Travis Field, and hardly had he settled himself in his home when the OSI agents came knocking on his door. All night they questioned him. All night Kauffman tried to explain to them. He readily admitted that he had been in Berlin in the fall of the previous year; he told the story as later, many times, he was to tell it. The OSI agents just looked at him owlishly, obviously unsatisfied.

"But that was all there was to it," Captain Kauffman protested again and again. "There was really nothing to it, see?"

They didn't see. They took the Captain with them to Castle Field, and there the inquisition began in earnest. The questioning went on for hours, for days, in the unremitting round that constitutes the verbal third degree. The agents worked on Captain Kauffman in relays, alternating between syrupy sympathy and brutal browbeating. Finally, Captain Kauffman, weary, badgered, infuriated, shouted and stormed back.

"Let me out of here," he demanded. "I want to get a lawyer."

They would not, of course, let him out of there, but they did have to let him get a lawyer. After all, even a captain in the Air Force has some rights.

II. Bill of Wrongs

It was November 19, 1961, that the telephone rang in the basement apartment of Charles Keith in New York City. Keith, now a prosperous real-estate man, is one of the brothers of Captain Kauffman; the other is Michael Bernard Kauffman, of Salt Lake City, a department-store executive and then a brigadier general (now a major general) in the Army Reserve.

"Pat [Captain Kauffman] told me what had happened, that he had been taken into custody and that he was being subjected to incessant, third-degree type questioning," Keith recalls. "He told me that he wanted me to get him outside counsel."

Keith, it should perhaps be stated at the outset, had been at one time a Communist, but had broken with the party years ago in a bitter row. He had drifted almost by chance into real estate, had worked hard and prospered, and no longer retained any of his former Communist connections.

After getting the call for help from Pat, Keith made some inquiries and called Benjamin Dreyfus, of the law firm of Garry, Dreyfus and McTernan, in San Francisco. Dreyfus agreed to act as counsel for Captain Kauffman and immediately called on his new client, then being held in a room of the hospital on the Castle Air Force Base. At this point, no formal charges had been preferred, but the OSI was pressing its daily round of questioning. Dreyfus instructed Pat Kauffman not to answer questions by anyone, but after he left the base the OSI agents resumed their interrogation.

The following day, November 20, Dreyfus formally recorded himself with the Judge Advocate's office as Pat's counsel. At the same time, he made a formal request that all questioning cease unless Pat was represented by counsel. This, of course, is another fundamental American right; it was promptly flouted by the OSI. Not even a formal letter by Dreyfus demanding that such interrogation stop had any effect.

On November 22, the OSI really put the heat on Pat in an effort to force him to discharge his counsel. An OSI agent denounced Dreyfus to Pat and made a series of charges and threats. Dreyfus, he said, was president of the National Lawyers Guild, which had been labeled as a "Red" organization by the government and "the main bulwark of the Communist Party." Connection with such a man, when the man was connected with such an outfit, was virtual "proof" of Pat's guilt, the OSI agent maintained, and if Pat kept Dreyfus as his lawyer, the fact would be used against him at his trial; in addition, Dreyfus' retention would be used by the government to make things hard for Pat's brothers, Mike and Charlie.

Kauffman knew that Mike, at least, might be penalized, for he had pending a promotion to major general. Worried, the imprisoned Captain called Charlie Keith in New York and urged him to fly out to California. Keith took a plane the

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same night and landed in San Francisco early on November 24.

He began the day with a long conference with Dreyfus. Dreyfus was, indeed, president of the National Lawyers Guild, and he had represented a number of alleged Communists or alleged sympathizers in civil-rights cases on the West Coast. But there was not a shred of evidence in this case to justify any of the OSI aspersions about him. Consistently, his actions seem to have been those of a lawyer trying diligently to do his best for his client, and when he was later replaced as Pat's counsel, he bowed out gracefully, accepting the logic that impelled the move.

After this original conference, Dreyfus and Keith called the Castle base to make arrangements to see Pat. This call to the office of Colonel Leonard S. Dysinger, the commander at Castle, apparently triggered action, for now, a full week after Pat's first telephone call to Keith in New York, officials decided to file a formal charge. It was the first of what ultimately became a four-bill count, charging Captain Kauffman with conspiring with Maennel and others to commit espionage by passing along military information that would be injurious to the United States.

This charge had been read to Pat by the time Charles Keith and Dreyfus were permitted to see him in late afternoon. Keith assured his brother that he would not be deserted and that, if it became necessary to change counsel later, this would be done. Pat decided, for the time being at least, to continue with Dreyfus. After the interview, Dreyfus and Keith called at headquarters and were presented with a typed copy of the charge. They were told that an investigating officer would be appointed by March Air Force Base and that the preliminary hearing would probably begin on Tuesday, November 28. Dreyfus again repeated his request that questioning of Captain Kauffman by OSI agents cease. But the next day the OSI questioning continued.

The mere fact of this remorseless questioning despite the defense attorney's repeated demands that it stop was bad enough; worse was the fact that the interrogations were preserved on tape, and electrical eavesdroppers in the Captain's hospital room even recorded his side of his conversations with his attorneys and his brothers. All of this was done despite the most solemn pledges to Kauffman that it was *not* being done. Repeatedly, the Captain asked his interrogators whether their conversations were being taped and repeatedly they assured him, on their solemn word of honor as officers and gentlemen, that they were not.

"It's funny to listen to some of the tapes," Keith says. "There they are pledging Pat on their honor that they aren't recording what is being said—and even the pledge as they gave it was being recorded!"

Even in the restrained record of the court-martial, the dirty work becomes obvious. George W. Latimer, a former Utah Supreme Court Justice, who succeeded Dreyfus as Captain Kauffman's counsel, dragged the reluctant admissions out of the mouths of OSI witnesses. Before the trial, Latimer had demanded and obtained permission to listen to the tapes; the OSI must have known he knew—and yet, as the record demonstrates, getting a straight answer out of an OSI witness was more difficult than extracting an impacted wisdom tooth.

Lieutenant Colonel Felix L. Barsanti, who was in charge of the 19th OSI district, did some heavy sweating when Latimer examined him on the point.

Q. Colonel Barsanti, I'll ask you whether or not the telephone wires at Castle Air Force Base were tapped for the purposes of recording conversations with Captain Kauffman prior to December 6, 1961?

A. The area of technical assistance is not in my division and I have no direct knowledge of anything of that type.

Q. Colonel Barsanti, you want to sit there in the witness chair and say you have no direct information that these conversations were taped?

A. Taping isn't telephone tapping.

Q. Were telephone conversations involving Captain Kauffman taped and recorded from tappings?

A. To my knowledge they were not.

Colonel Barsanti admitted that he had brought with him a folder containing tapes of interviews with Captain Kauffman, but he didn't have them now, he said—they had been turned over to the prosecution. Latimer demanded to know whether the tapes weren't in manila envelopes, plainly marked as to their contents. Colonel Barsanti acknowledged that they were.

Q. And on the manila envelope is there a notation "Interview between Captain Kauffman and Mr. Dreyfus, the lawyer?"

A. I do not know, I did not handle the tapes.

Taping, Colonel Barsanti explained, was in the investigative province of Colonel White. The prosecution took over the struggling Colonel, but its gentler hand did not help much. Asked if he had ever listened to the tapes, Colonel Barsanti said: "I only listened to part of those tapes. Here I have not listened to them." Latimer took the witness back and hammered at the OSI's eavesdropping on the conversations between Captain Kauffman and his attorney.

Q. Now let's see if I can refresh your memory a little bit. Were they [the telephone calls] not made from the hospital?

A. I have no knowledge of any calls from the hospital.

Q. You have no knowledge of any calls from the hospital?

A. Other than information that was reported by the Air Police.

Q. What was reported by the Air Police?

A. The Air Police on guard reported the activities.

Q. Did they report that the telephone conversations were being recorded, taped? Did they report that to you?

A. They only reported the information he overheard.

Q. On the telephone?

A. Yes, sir.

Q. And that was between Captain Kauffman and his lawyer?

A. Yes, sir.

Colonel Barsanti wasn't much more comfortable in testifying about the taping of interviews with Captain Kauffman. He himself had participated in a questioning of the Captain on November 19, 1961, and under questioning by the prosecution, he testified that this is what happened:

Captain Kauffman asked me whether it was being recorded, at the time I did not know. At the time I first went into the room to commence the interview with him and I told him I didn't know, that I would go out and find out. I went out and they told me the tape recorder was out of order and I reported that to him.

Q. Well now did someone subsequently come in and tell you that it was fixed and working again?

A. No, sir.

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Q. When did you find later that some portion of the interview had been taped?

A. I didn't find out until it was practically over.

When Colonel White, the former window crawler and the officer who had supervision over the taping, took the witness stand, Latimer had the same difficulty eliciting the plain facts:

Q. Did Captain Kauffman make some telephone calls from the hospital to his attorney in San Francisco to your knowledge?

A. I heard that he did.

Q. Are there some tapes of those conversations?

A. There may be, there couldn't be any tapes on the lawyer's side of the conversation because the telephone was not tapped.

Q. Was the conversation of Captain Kauffman to his lawyer taped?

A. Captain Kauffman's voice could have been taped but his lawyer's was not.

Q. Did the communications he gave his lawyer, were they taped?

A. I believe Captain Kauffman's voice was taped but his lawyer's was not.

Q. Well, you say you believe, are you not certain that they were taped?

A. I am certain Captain Kauffman's voice was taped, but his lawyer's was not.

It took that long sequence to drag out an admission. White finally acknowledged that Captain Kauffman's room in the hospital had been wired for sound "in an effort to determine what Captain Kauffman may say during his tenure in that facility." He seemed a little regretful about the telephone taping of the captain's conversations with his attorney, but it was strictly a professional regret. "There was some trouble there," he said "—we got some from those and others didn't work out too well. It was a pretty sad arrangement there, we didn't have too much luck."

In this kind of atmosphere, Captain Kauffman inevitably had even less luck. When even a defendant's conversations with his attorney are not sacred, it can be virtually guaranteed that all his other rights will be violated at will. And so it proved.

November 28—the date by which, Dreyfus and Keith had been told, an investigating officer would be appointed by March Air Force Base —arrived, and nothing happened. It took two days for Dreyfus to reach Lt. Col. John C. Chew, the Judge Advocate at Castle Field, by telephone; the Judge Advocate told him that March Field was going to appoint a senior officer to handle the preliminary hearing, and he assured Dreyfus that he would be notified when this was done.

But it was not until December 6 that the next step was taken—the filing of additional charges against the Captain. Besides the original conspiracy charge, he was now accused of traveling to Berlin without proper orders and failing to report his visit to his superior officers; of agreeing to commit espionage and to return to East Germany in 1963; and of actually transmitting to Guenter Maennel information "relating to the national defense of the United States."

The tempo began to pick up. The following day, on an affidavit furnished by Paul W. Reed, the OSI agent who had taken the accusatory statements of Guenter Maennel, a "legal" search warrant was obtained permitting the OSI to search Captain Kauffman's much-searched home, and on December 8, a U.S. Marshal, Colonel White, Reed and other OSI agents ransacked the house in daylight, and they found — surprise! — a number of items that they had had no idea, on their word of honor as officers and gentlemen, were even there.

On this same eventful day, Captain Kauffman received another shocker. He was informed orally that he was not to be permitted to stand trial in the United States; he was to be ordered to Germany and there court-martialed.

This official "shanghaiing" of the Captain (as Latimer later was to describe it) had several sinister aspects. Captain Kauffman, whisked out of his native country, would be separated by thousands of miles from his brothers, his attorneys; his defense would be made doubly expensive and difficult. Worse, he would be denied his best chance to obtain justice. Had he been held for trial here, he would have faced a federal court, where a civilian jury would have heard the evidence and decided on his guilt or innocence; shipped abroad, he could be tried in only one way, before a military board in court-martial proceedings in a land where war hysteria was high. By this procedure, the Military Establishment made certain that it would itself decide the case it had brought—a case in which, by the bringing, its own prestige now demanded a conviction.

Dreyfus, informed of the hoodwinking to which he had been subjected in the long-maintained pretense that the investigation and trial would be held in California, promptly dispatched a sizzling protest to Dysinger and Chew:

> Captain Kauffman has been charged with certain alleged violations of the Uniform Code of Military Justice. . . . The charges have been the subject of thorough and detailed investigation at Castle Air Force Base since at least November 19, 1961, and Captain Kauffman has been subjected to ceaseless and oppressive interrogation concerning the charge, both before and after my objection to that interrogation on November 21. The charges were made and read to him at Castle Air Force Base in California.
>
> The proposed transfer will deprive Captain Kauffman of his right to counsel of his own selection at the Article 32 [pre-trial] investigation, and will prevent the preparation of his defense to the charges. The transfer will, accordingly, deny him rights to which he is guaranteed by the Uniform Code of Military Justice and by the Constitution.

Dreyfus' protest was ignored. He was told twice, orally, that the only answer that could be given was that the case was beyond the authority of Colonel Dysinger. Obviously, "somebody up there" in the Air Force hierarchy was calling the shots. On December 11, Captain Kauffman was served with orders decreeing his departure for "duty" in Germany (the duty, of course, of being tried) at 5:30 A.M. the next day. Hours later, Captain Kauffman, under guard, was flying on the next stage of his long ordeal.

The brothers he left behind him, Charles Keith and Michael Kauffman, resolved that he should have the best possible defense counsel, even though it strained all their resources. Convinced of Pat's innocence, they sought out Latimer, himself a Reserve colonel, distinguished in Utah as a jurist and a former Judge of the Court of Military Appeals. Latimer agreed to take the case and to go to Germany to represent Pat in both the pre-trial investigation and the court-martial.

Hardly had he taken the case be-

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fore it entered upon a new phase. A publicity campaign began whose most obvious purpose, it would seem, was to smear Captain Kauffman and prejudice his case in the public mind before he could ever be brought to trial. The first step appears to have been a teaser story planted by the Air Force in Washington on Dec. 15, 1961. This disclosed, ambiguously, that Captain Kauffman had been transferred to Germany in connection with a security investigation. Such an announcement, it would seem, could only serve to pique curiosity and elicit questions from the press. It did. The demand for more information became so insistent that the poor, helpless Air Force had to yield to reporters' importunities, and on December 21, it spelled out the charges. Headlines hit the press across the nation; the public had a new spy sensation.

Charles Keith in New York, analyzing this latest development for his brother, Michael, in Salt Lake City, wrote at the time:

> The release of this material by the Air Force to the press is particularly dirty pool. When I was in California, the Base Judge Advocate made a very special point of asking Dreyfus that there be no publicity, for "Pat's protection," from our side . . . assuring us that from the Air Force side not only did they not want any publicity but that they were prohibited from making the matter public, since all such stuff is "restricted" until the conclusion of the case.

The "restriction," obviously, had been something less than ironbound.

III. A Defector's Story

The story of Guenter Maennel is one that needs to be examined in considerable detail, for it was from the beginning—and remains today—the only evidence against Captain Kauffman. The story was told twice under oath, once in the so-called Article 32 pre-trial investigation that recommended a court-martial and again in the court-martial itself. And so it becomes incumbent to ask the questions: Was the story a credible story? And was it always the same story?

From the start, the military went to seemingly fantastic lengths to shroud Maennel and his account in the impressive hocus-pocus of supreme secrecy, the kind that is invoked when the very fate of the nation is at stake. Latimer was astounded in the pre-trial investigation when he was notified that Maennel was so important, his life was in such jeopardy, that the military could not risk bringing him to the Wiesbaden Air Force Base for the hearing — the hearing would have to travel to him at Camp King, near Frankfurt, where he was being held in protective custody. Latimer remained adamant against the removal and later that evening at the pre-trial, the investigating officer grudgingly relented and announced that the hearing would continue in the selected courtroom. Then the attorney was flabbergasted to learn that, according to OSI rules, Agent Reed, himself a witness, would have to be present when Maennel was questioned. Latimer told the agent, with some asperity, that he was going to "get those rules changed"; and this much, at least, was done. Reed was barred from the courtroom during the questioning of Maennel, a factor that proved of considerable significance later, when some irreconcilable differences developed between the testimony of the two.

The following morning, after the military had screened and searched all persons seeking entry into the hearing, the government produced Maennel, who walked into the courtroom accompanied by a cordon of American officials. In such an atmosphere, accorded such favored status, Guenter Maennel testified. What immediately follows is the way his first version developed on the witness stand.

Even before Maennel was given the oath, Latimer attacked:

Q. Are you a Christian?
A. No.
Q. Do you believe in God?
A. To a certain extent, yes.

The military still decided that Maennel understood the meaning of an oath and would be true to it. In other questions, Latimer developed the fact that Maennel was not familiar with the English language, that he always had to converse through an interpreter — a point, again, of considerable significance later when he was asked to testify about what Captain Kauffman did (or didn't) say.

Once these preliminaries were out of the way, Maennel testified that about Oct. 1, 1960 (he was uncertain as to the exact date), he was ordered by his superior, Colonel Horst Joenicke, to go to the Buch section of East Berlin and take part in the questioning of an American. When he arrived, he found Captain Kauffman already in the custody of another intelligence agent, Captain Hans Bergmann. They conducted Kauffman, who Maennel learned had been taken off the Berlin train at Mecklenburg, to a two-story house that was reserved by East German intelligence for meetings of its agents and the questioning of prisoners. There they were met by a woman interpreter, Lt. Sonja Eiserbeck.

Kauffman was then led to an upstairs room where Maennel, through the interpreter, began to talk to him.

> The American Captain answered my questions and told me that he did not know that he was not permitted to travel by an inter-zone train [Maennel testified]. We talked approximately thirty minutes about this and thereby became acquainted. After a Soviet agent arrived. That man asked me to leave the room and go downstairs and that he wanted to talk to the American Captain alone. I left the room and the interpreter stayed. The Soviet agent spent at least one hour together with the American Captain and the interpreter. I heard loud voices above me coming from the room where the three persons were located. After the Soviet agent came down. The interpreter accompanied the Soviet, I was told. I was told by her that they argued. The American Captain and the Soviet agent. From the interpreter I learned that the Soviet agent immediately proceeded to recruit the American Captain. However, he refused. When I asked the interpreter why they were so loud, she said something in an explaining way, "Those two are enemies." The Soviet agent after explained to me that he is not very fond of Americans and therefore furious. As he being previously assigned as a member of the Soviet Embassy in the United States was deported from the United States. I received an order from the Soviet agent to question the American Captain as to all military information he was in a position to give.
>
> I went upstairs with the interpreter and spoke to the American

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Captain and calmed him down. He was still very excited after the discussion with the Soviet agent.

Despite the fury of Captain Kauffman's clash with the Soviet agent, according to Maennel, the Captain had let drop some matters concerning American bases in Greenland. The Soviet agent had tried to get Captain Kauffman to sign a statement incorporating this information, but had been repulsed. Maennel was instructed to try to get the signature. "When I spoke to him I talked him into signing," he testified.

This account, it would seem, contains an obvious inconsistency. By Maennel's own testimony, Captain Kauffman and the Soviet agent had been shouting at each other; by the account of the interpreter who was in the room, they hated each other. Yet we are to assume that Captain Kauffman, in these circumstances, gave information. Latimer, of course, demanded to know whether the interpreter's notes, whether any documents, were in existence to back this up. Unfortunately, no. Only Maennel was here to testify to the things that Captain Kauffman allegedly had said.

Maennel explained that the Captain was held prisoner overnight. The next day, he resumed his questioning of Kauffman. He wanted to get the Captain's signature on a document saying that he had been treated well. He also wanted to elicit from the prisoner as much information as possible.

It is obvious, even from Maennel's own account, that Captain Kauffman did not have any idea at this point that he was dealing with an intelligence agent. The Soviet agent's hard bullying had given way to Maennel's soft-shoe approach. Maennel testified that he talked to Captain Kauffman "just as if I had a personal interest in the matter, not mentioning anything about the HVA [the East German intelligence agency]. I just acted as if I had a personal interest whereupon the American Captain told me, explained to me, that persons he had met in his life he could place in three different categories. The man he had met with the bald head [the Soviet agent], he does not want to have anything to do with him."

Into this friendly philosophizing, Maennel now began to inject some pertinent questions about American air strength, personnel, etc., in Greenland. "In the beginning," he testified, the Captain

> was reserved and only answered questions which did not mean any danger to him. . . . But then later on he got into difficulty. . . . I personally was not able to determine as to what he said; if it is good, or if it is weak. Two weeks later I was informed by the Soviet liaison officer that the information which I received was not of much importance, even though it was an addition to information which we had already received. . . .

Was this, one feels impelled to ask, the great spy case? Obviously, no one in this military court except the accused and his counsel was going to ask such an unseemly question. Maennel testified that he incorporated all the answers the Soviet agent had gotten from Captain Kauffman, all the questions he had himself asked and obtained, in a document that he induced Captain Kauffman to sign at "approximately 1400 hours" on this second day of questioning. At this point, Major Bumgarner, Staff Judge Advocate, endeavored to get his star witness to put some flesh on the wasting skeleton of his great espionage case.

> Q. Now, you mentioned the questions, can you tell me the answers?
>
> A. That is very difficult now to repeat the answers entirely, after such a long time. [The lapse of time was from October, 1960, to January, 1962.]
>
> Q. I understand. But can you please try?
>
> A. Yes. The main mission in Greenland is radar control. There is not much personnel stationed in Greenland. The Air Force is represented even though there are only a few compared with other air bases as to sizes of air bases. There are many more. That is in general concerning Greenland. . . .

Later that same afternoon, Maennel testified, Captain Kauffman was released. His captors, who now gave every appearance of friendliness, imposed upon him two conditions. He was to stay at a certain hotel in West Berlin, and he was to return to East Berlin the next day so they could show him the sights. This promise, Captain Kauffman gave; and, unfortunately for him, kept.

The next two days of an early October weekend were filled with night-clubbing and sightseeing. Lieutenant Eiserbeck, the female interpreter, had vanished from the scene, but Bergmann and Maennel toured the city with Captain Kauffman. Since Bergmann spoke hardly any English, Maennel none at all, communication must have been limited; but on Sunday they capped some night-clubbing and drinking by singing the Communist anthem, the *Internationale*. How did Maennel know that Captain Kauffman was singing the *Internationale* in English when Maennel didn't understand English? He recognized the tune, he explained.

Came now the crucial, final meeting. Bergmann and Maennel asked Captain Kauffman to return on Monday. He agreed. He got off the train, bearing some bottles of wine and other tokens of appreciation for the kind friends who had shown him such a good time in East Berlin and who had refused to let him spend any money. He found that Lieutenant Eiserbeck had been added once more to the picture. Lunch was suggested in Maennel's apartment—actually another apartment in East Berlin that was at the disposal of the intelligence service.

Maennel, in his testimony, now described the pitch he and Bergmann made to recruit Captain Kauffman as a spy. They explained, in Maennel's words, that Captain Kauffman "did not have to do with persons from the People's Police, but with officers of the secret intelligence service. Mr. Kauffman was surprised."

A formal espionage contract had been drawn up for Captain Kauffman to sign, Maennel testified, but the captain "refused, and said he would not sign this document." Bergmann and Maennel agreed such a formal signature wouldn't be necessary; they would be happy to work with Captain Kauffman on a confidential basis. "He [Captain Kauffman] was completely conversant with this," Maennel testified. "The so-called obligation was done by handclasp. Bergmann, the interpreter and myself."

Captain Kauffman then, according to Maennel's continuing recital, was given explicit instructions: He was to gather all the intelligence information that he could, particularly personal information about American officers and their possible weaknesses; he was to memorize all such details, keep them in

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his head; and then, in 1963, he was to return to East Berlin, both to report his information and to take intensive training in espionage. In one of the most peculiar spy pacts ever concluded, Captain Kauffman was not to endeavor to pass information for almost three full years, not until he himself brought it personally on his next visit; but in the meantime he could keep in touch, just to let his East German friends know all was well, by writing notes to "a cover address" in West Berlin. The West Berlin address was that of Klara Weiss, and Maennel testified that he "personally wrote" the name and address in a notebook that Captain Kauffman pulled from his coat pocket. He identified the name and address written on a page of a notebook found in Captain Kauffman's home in the final, "legal" search of December 8, as the name and address he had written into the book during this final rendezvous in East Berlin.

Maennel couldn't "recall" but he did "assume" that Captain Kauffman had been given "a cover name" during this climactic meeting. Anyway, right afterwards, the Captain boarded a train for West Berlin—and that was the last the East German conspirators saw of him.

Such was Maennel's story. Ponder it a moment. The recruited spy, almost the instant he learns the identity and purpose of those attempting to recruit him, takes off into the wild blue yonder and is never heard from again. Is this proof of participation in a conspiracy? To reasonable men it might seem more like flight.

The difficulty became instantly apparent in Major Bumgarner's questioning of Maennel.

Q. Did Captain Kauffman at any time give you any information, or description, of the installation of the United States Air Force in Greenland?

A. During my second session with him, yes.

Q. But before you disclosed yourself as an agent, or as an officer of intelligence?

A. Before, no. Afterwards. After.

But by Maennel's own account, just given under oath on the witness stand, it was not "afterwards, after"—it was "before."

Cross-examination immediately served to emphasize the inexplicable paradoxes and the suspect quality of the case against Kauffman. Latimer began by bringing out a few routine details—that Maennel was twenty-nine, had been married for six years, and did "not wish to talk about" his family; he did not know "at the moment" where they were. He had had eight years in grade school, three in high school, and then he had been trained in counterespionage work. He would be "sentenced to die" if he ever had to return to East Berlin.

Having drawn this sketch of the man, Latimer began to pick his story apart. Maennel had typed out a detailed statement on the Kauffman case which he had given to OSI Agent Reed on October 26, 1961. Reed had interviewed him at length in mid-November, and from these notes he compiled a second Maennel statement. Significantly, the two statements did not always agree, and even more significantly, they contained some sharp deviations from the account that Maennel had now delivered from the witness stand.

One striking omission in Maennel's most recent version promptly drew Latimer's fire. In his second statement to Reed, Maennel had given a much more graphic description of Captain Kauffman's surprise and shock when the American learned, at that last meeting, that he was dealing with agents of the East German secret service who wanted to recruit him as a spy.

Q. I will ask you if you told Captain Reed this information. "At the conclusion of this discussion they, speaking about you, informed Captain Kauffman that you were members of the East German secret service, and when he heard that, he stated, 'My God! I might have thought so!'"

A. Yes.

Q. OK. That statement by Captain Kauffman was quite impressive to you, wasn't it?

A. Yes.

Q. Rather significant you forgot about it in your first statement?

A. Yes.

In the first statement, which he had typed out himself in some two days of thoughtful labor, Maennel had not mentioned Captain Kauffman's singing the *Internationale*. He had subsequently, in his lengthy second statement, told Reed that he had been "quite astonished" at this performance of the Captain's, but Latimer pointed out that the "astonishment" had not been enough to make him remember the incident until *after* he got to talking to Reed.

Latimer now turned a probing light on the manner of Maennel's defection to the West. Maennel said he first talked to an American official about changing sides on May 30, 1961.

Q. Did you tell that official you would testify against Americans if they pay you and protect you?

A. I did not say, "if you pay and protect me," but I said that I would have the opportunity to testify, and that I wanted to testify.

Q. And did you ask to be paid?

A. I did not ask to be paid.

Q. When were you first told that you would be paid?

A. On the 30th day of May.

A month later, on June 29, Maennel crossed over the border, and on July 1, he went on Uncle Sam's payroll. He was being paid eighteen marks—about $4.50—a day and furnished with clothing and allowances. In return, or at least coincidentally, he had supplied information about Captain Kauffman's alleged activities and about a number of other alleged spy cases. He was himself, he protested, no expert in the science of military espionage; his forte was the political field.

Q. Did Captain Kauffman furnish you with any information of a political nature that was of any value to you?

A. No.

At this point, one is tempted to ask: What kind of information *did* Captain Kauffman give his captors that would be of such detriment to the United States? Latimer tried desperately to find out.

Q. Did Captain Kauffman at that time give you any information on any American officer?

A. Yes.

Q. And who was it?

A. About his Colonel in Greenland.

Q. And what did he tell you?

A. The question is very difficult for me to answer.

Q. All right. Don't answer it. Why is it difficult?

A. First of all because it is that long ago already[from October, 1960 to January, 1962]. And to the other, I did not strive to retain all these facts in my memory. At the time I was still over there.

Latimer asked whether the information Captain Kauffman had given had been important enough for the witness to remember. "Yes," said Maennel.

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Q. What did he tell you about installations in Japan?

A. Today I can't give any details any more. . . .

Q. Do you remember any military information given by Captain Kauffman of any military base?

A. Very dimly. . . .

Q. Did he identify—give you a description, mention any shortcomings or any weaknesses of the United States Air Force officers?

A. He gave a rough draft. He gave in short form the characteristics of at least three or four officers in Greenland. Amongst those was the boss, the Colonel and his deputy, and logistic questions, and still one or two others.

Q. How did he describe the Colonel?

A. The Colonel is an elderly gentleman, perhaps fifty years old, old soldier, a competent officer.

Q. Well, now is that the general nature of the information he gave?

A. This, generally speaking, was the general nature.

As one can see, the national security of the United States was very definitely at stake here.

Latimer probed on, and he uncovered the amazing information that Klara Weiss, the lady of the "cover address" in West Berlin, had never received any communication from Kauffman; had never, indeed, been apprised of her "role."

And that, on the basis of this first witness-stand rendition by Guenter Maennel, was the extent of the great spy case against Captain Joseph Patrick Kauffman, a veteran of fourteen years in the American military service.

Justice, one might be tempted to think, would have been admirably served if the charges had been dismissed forthwith, but naturally such drastic action was not to be entertained by the minds of the U.S. military, bemused with the wonder of having obtained for themselves a real, live defector from the East German intelligence. Under such circumstances, the investigating officer naturally saw his duty, and he did it. He recommended that the charges against Captain Kauffman be aired in a full court-martial.

The trial that resulted was conducted at the Wiesbaden Air Base in Germany from April 10-18, 1962, and again Guenter Maennel was the government's star witness. Before examining this second and much more highly refined version of his spy tale, one should have, perhaps, a clearer idea of the care and labor that had gone into the preparation of that first, pre-trial version. OSI Agent Reed was quite explicit about this, both in his pre-trial testimony and in his testimony at the court-martial.

In all, Reed testified in the pre-trial examination, he had discussed the case with Maennel some "15 or 20" times. In his court-martial testimony, he spelled out the extent of these discussions in explicit detail. He testified that he met Maennel for the first time about October 15, 1961, and that he talked to the witness on about "eight, nine days," for as long as half a day at a time, before Maennel sat down and composed his first (October 26) statement. After receiving this statement, Reed studied it, then went back and interviewed Maennel some more. He estimated that he spent another "eight, nine days" with Maennel gathering the information which he later incorporated into the Maennel statement of mid-November. If Reed was telling the truth (and Maennel's version, as we shall see, was quite different), all of this exhaustive questioning took place before Maennel testified for the first time. Logic clearly says that, with such persistent and strenuous effort devoted to total recall, every iota of legitimate information should have been contained in Maennel's pre-trial testimony. Drastic changes in that testimony at the subsequent court-martial become infinitely suspect.

Hardly had Maennel taken the witness stand a second time, however, before such changes became apparent. In his pre-trial testimony, he had been uncertain about dates; he had incorrectly placed his first meeting with Captain Kauffman in October, and he had fixed October 7 as the date of the final, spy-recruitment rendezvous. Now he testified positively that "the first time I saw Captain Kauffman was on 29 September 1960, 1300 hours, Railroad Station, Buch, East Berlin." This was only the first faint indication of the drastic alterations in the recital that was to come.

Maennel testified that, at this first meeting, he identified himself to Captain Kauffman as "Lange . . . a member of the People's Police, not as a member of the MSF." He described again Captain Kauffman's encounter with the Soviet agent, but this time the indications of angry dispute faded from his account. He testified only that he "heard loud voices," and he never did repeat for the court-martial record the interpreter's significant remark, "Those two are enemies." As a result, the inconsistency of Captain Kauffman's having given information to a Soviet agent with whom he had just had a bitter personal encounter does not become obvious. But more important than this was the fact that Maennel's pre-trial vagueness about the information Captain Kauffman allegedly gave now was replaced by statements far more explicit. For instance, he now said Kauffman had informed him that

> . . . The jet planes stationed in Greenland were not the latest model.
>
> . . . The jet planes that were stationed there did not have too great range; they were small and medium range.
>
> . . . Jet fighters are the ones that are stationed there. There are almost no others.
>
> . . . The number was stated. However, it would be hard for me to recall it precisely now. I do not wish to state it as a fact.
>
> . . . In Greenland there would be about a thousand officers and enlisted men of the American Air Force. This is what he revealed.

Even more striking were the changes that followed. The prosecution in the pre-trial examination had been embarrassed by Maennel's insistence—an insistence that accorded with his repeated pre-trial statements to Reed—that he had not revealed his true identity and purpose to Captain Kauffman until their final meeting. If this was so, the conspiracy charge, the most serious one against Captain Kauffman, was dynamited, since there was no evidence to show his agreement or his participation in the conspiracy. And so what had been truth after those "15 or 20" questionings by Agent Reed suddenly became truth no longer.

"At the start of the discussion on Friday [the *second* day, not the last] I explained to Captain Kauffman that I was not a member of the People's Police," Maennel testified. Latimer interposed with a furious objection, but Maennel insisted that he was now telling the truth. The importance of this drastic revision of events is obvious. If this testimony was true, then Captain Kauffman, by his willing association with

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Bergmann and Maennel on the following Saturday, Sunday and Monday had signified, not repugnance to them and their mission, but willing participation and collaboration. This, in essence, was the crux of the case. Maennel embellished it with some new details.

An atlas now suddenly appeared for the first time in his account. He had brought the atlas with him to the meeting of Monday, October 3, he testified, and Captain Kauffman had sat down with him and identified on maps areas in Greenland where American bases were located and areas in Japan, southwest of Tokyo, where there were other bases. At the conclusion of their discussion, after they had thoroughly agreed on everything—after Captain Kauffman had promised to cooperate, had agreed to return in 1963, had been given the name of the unsuspecting Klara Weiss as "a cover address"—after all this, "We drank a toast with a sip of wine to the unofficial cooperation which we had started." A ceremony, this, that had slipped Maennel's mind in all of his earlier recitals.

Cross-examination had hardly begun before there developed what must have been one of the most incredible scenes in the history of American jurisprudence. Latimer—confronted by this witness who was hiding behind a false mustache, false hair and dark glasses; aware that the OSI originally had wanted Reed in the courtroom during Maennel's pre-trial testimony—was on the alert, and it was well he was. He had not questioned Maennel long before he thought he intercepted signals being exchanged between the witness and a man stationed among the spectators in the courtroom.

Wanting to make certain, Latimer proceeded warily. He asked Maennel first with whom he had discussed the case between the conclusion of the pre-trial investigation and the present trial. Maennel replied that he had talked with Colonel Morgan and Major John H. Leonard, the prosecutors. Then:

Q. You have not gone over your testimony since the Article 32 [pre-trial] Investigation with anybody except Colonel Morgan and Major Leonard?
A. Yes.
Q. They are the only ones you talked to?
A. Yes.
Q. When I asked you a question yesterday about the camp where you were, did you make a motion to somebody in the courtroom?
A. Yes.
Q. Did you receive a signal from somebody in the room?
A. No.
Q. Nobody in the room signalled you at that time?
A. No.
Q. Did anybody tell you that that name [the camp name] was not to be mentioned in connection with your examination?
A. Yes.
Q. Now, who told you that?
A. An American official.
Q. Well, who was the official?
A. Mr. Frank.
Q. Is he here in the courtroom?
A. Yes.
Q. Then you have talked to somebody about it, haven't you? . . . You have talked to somebody else besides Colonel Morgan and Major Leonard about the case?
A. No.
Q. You didn't talk to him then?
A. I talked to Colonel Morgan.
Q. In answer to a previous question, did you say that Mr. Frank told you to object when something was said about the camp?
A. Myself, no.
Q. You never had any conversation with Mr. Frank about that, at all?
A. About what?
Q. About mentioning the name of the camp, where it is, where it is located?
A. We talked about that.
Q. You talked about that with Mr. Frank, did you not?
A. Yes.

The questioning of this wobbling, now-it-is-and-now-it-isn't witness shifted to other matters, but Latimer had no intention of letting the issue drop. During a recess, he carried his complaint to Colonel James S. Cheney, the Law Officer—in military court, the presiding judge. He argued passionately that to continue the trial in such an atmosphere would be to prejudice the rights of Captain Kauffman. Colonel Morgan, admitting the signaling, argued that really it didn't mean a thing. He had been afraid, he said, that the questioning might get into vital security areas, and so he had had an OSI agent, Douglas Smith, stationed among the spectators, with instructions to remove his handkerchief from his pocket as a warning. But the arrangement, Morgan protested, was for the guidance of himself and Major Leonard; it had nothing to do with the witness. See? But Latimer didn't see.

> The witness knew about it [he argued], because just as sure as I'm standing here, there was a signal when I mentioned the camp, that he raised his hands and said—oh, no! I don't care if trial counsel can't run his case without signals from the spectators because then I don't know how an accused can get a fair trial. In this case I think he has been denied one, fundamentally and substantially.

It was never explained how Maennel's "Mr. Frank" metamorphosed into Colonel Morgan's "Mr. Smith," but "Mr. Smith" was banished from the courtroom, the Law Officer overrode the defense protests, and the trial went on.

Some of Latimer's sharpest subsequent thrusts dealt with another major inconsistency in Maennel's account. Maennel testified that he had had a copy of the document Captain Kauffman allegedly had signed and other documentary evidence relating to the case in his possession in his East Berlin office shortly before he defected. He had known for a full month that he was going to flee to the West; he had known he was going to inform about Captain Kauffman—indeed, the very day he arrived, on June 29, 1961, he began talking about the Kauffman case. Yet—

Q. You have no written evidence of any kind to corroborate what you say here on the witness stand?
A. No.
Q. You didn't bring any of those documents with you?
A. No.

Maennel's only explanation for the drastic revision of his story in this last round on the witness stand was that he had had more time to think about it in those long days and nights in Camp King after his Article 32 questioning in late January. This contention led to a final exposure of the stuff of the prosecution's case and brought its two major witnesses, Maennel and Agent Reed, into irreconcilable conflict.

Reed, pressed by Latimer to justify the legal basis of the search warrant that had been obtained so belatedly in California, contended at great length that he had obtained all the information on which the warrant was based, not from the officers who had made the prior ille-

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gal searches, but from Maennel in exhaustive interviews at Camp King. And so he spelled out explicitly the number and duration of those "15 to 20" questionings of the star witness.

If Reed's testimony was true, Maennel could not possibly excuse his last shifts on the witness stand by contending, as he did, that his earlier testimony had been given without sufficient forethought. So Maennel, under oath, swore emphatically to a far different version. He had seen Reed only three times, he said—once on October 26 when he turned over to the OSI agent the original statement he had prepared; and just twice, for brief interviews, in mid-November. "The first discussion took place on one day for about two to four hours and the second discussion on the day for one or two hours in November," Maennel testified.

Colonel Morgan, evidently aware of the dangers of discrepancy, asked:

Q. Then there was a further discussion about the middle of November covering about two days, is that correct?

A. No, it's not like that.

Colonel Morgan asked Maennel to explain "how it was then," and Maennel repeated that he saw Reed only once in October, when he turned over the original material, and just twice in November when they discussed the Kauffman case, the last time for "only one or two hours."

The collision of the testimony is head-on, irreconcilable. And it is significant that, in each instance, the version told from the witness stand fitted the needs of the witness telling it. There is no way of telling where the truth lies. But it is indisputable — and vital — that one of these two major witnesses for the prosecution was committing perjury; and a case, founded in its major elements on perjured testimony of one sort or another, is a case that reeks with the odor of frame-up.

IV. The Search That Failed

In the Kafka-like atmosphere of the courtroom, Latimer's attempt to probe into the burglarious entries into his client's home almost led to his forced exodus from the case. When he attempted to cross-examine Agent Reed on these entries, the witness refused to answer, asserting that all activities of the OSI were "classified" as involving the security of the United States. Latimer, naturally, protested and demanded that the witness be directed to answer his questions. Government counsel counter-argued that if this subject was to be pursued, Latimer would be required to leave the courtroom as he was not cleared to hear security information and, because he was a civilian, could not be cleared by the military. It was only on Latimer's insistence that Kauffman could not be deprived of his elementary right to counsel of his choosing that government counsel relented and obtained, from Washington headquarters, declassification of the material involved. This is why the sordid story of the burglarious entries could finally be pried from the unwilling mouths of the offenders.

Latimer put up a strong battle over the legality of the search warrant, contending with every appearance of logic that the final, "legal" search must have been based upon the discoveries made in those three illegal, window-crawling entries into Captain Kauffman's home. If so, of course, the evidence gathered in the "legal" entry—the notebook with Klara Weiss's name in it, a receipted Berlin hotel bill, the railroad ticket stub for Captain Kauffman's trip from Hamburg to Berlin—all could have been banned from the trial record. In this endeavor by the defense, Agent Reed and Lt. Col. White became the principal targets.

Reed described the extremely limited space in Captain Kauffman's bungalow in these terms: "When you first come in there is a living room. On the far side of the living room, a small kitchen, and then to the left is a bedroom." Standing inside the front door, you could look right through an archway from the living room into the bedroom, and clearly visible, just inside the bedroom, was a dresser. It was in the top left-hand drawer of this dresser that OSI agents found a group of some half-dozen notebooks. And it was in one of these that they found the name and address of Klara Weiss.

One might possibly be forgiven for suspecting that a squad of OSI agents, searching these cramped quarters on three consecutive nights for from two to three hours a night, might just have happened to discover such a piece of valuable evidence lying in such an exposed place, practically begging to be found. But nothing of the kind, of course, had happened. White testified under oath that it hadn't.

"We looked at all the furniture," he concluded. Yes, they had looked in the dresser. They had found a huge amount of correspondence, a cardboard box and several folders filled with it. Captain Kauffman, White noted, was a most meticulous man; he saved everything. And all the letters and documents he had saved, the OSI meticulously photostated. But it was all love's labor lost. Not a thing was discovered in all this searching and photostating that was later to prove of any use at all. As White put it, ". . . To my knowledge, nothing that we found or were photographed has ever been used as evidence."

Of course, it just so happened that, *after* Agent Reed had obtained a "legal" search warrant, Colonel White was the one to discover the notebook with the name of Klara Weiss written in it. He just opened that left-hand, top drawer—and, what do you know, there under some other notebooks and correspondence, he found exactly what the prosecution needed to lend at least some shadow of credence to Maennel's story.

After the first three—and, according to White, futile—searches, there had been a mysterious, fourth illegal entry. This, White explained, was not really a search; he had just gone back to Captain Kauffman's home on November 28, 1961, to make certain that everything had been replaced in the order in which it had been found.

Yet, in all their searches, whether legal or illegal, OSI agents found nothing to indicate that Captain Kauffman was engaged in espionage. This man who so meticulously saved everything—even a Berlin hotel registration, a ticket

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stub, the Klara Weiss address on a page that could easily have been torn from his notebook—had not preserved anything that even faintly resembled military information. No data on the superiors whose weaknesses he was supposed to be cataloguing. No information on the location of bases. In a word—nothing. The point was developed by Latimer in his questioning of Reed:

Q. All right. Did you find any [of the kind of information mentioned by Maennel] when you got there?

A. The notebook with the address of Klara Weiss in it.

Q. Did you find any maps?

A. No, sir. We did not find any maps.

Q. All right. Let us see what else you expected to find and you had an honest belief would be there. Did you find any photographs of any military value?

A. We did not find them there. There is a possibility they were there.

Q. I just asked you whether you found them?

A. We did not find them.

Q. Did you find any negatives?

A. No, sir, I didn't.

Q. Or films?

A. I did not find any.

Q. Or other documents reflecting United States military installations, or personnel?

A. I did not find any such.

Yet this investigative disaster, this failure to find a shred of evidence of espionage, had not convinced Reed of Captain Kauffman's innocence. On the contrary, his mind still flirted with the "possibility," not that his case was bad, but that he simply hadn't been able to discover the evidence that must have been there.

This unrelieved chain of negative discoveries was now about to be climaxed by a negation even more complete and final. Klara Weiss, the mystery contact in West Berlin, had been located by the OSI. Agent Warren S. Halvorson testified that he had interviewed Klara and her daughter, Herta. Klara, born in 1876, and Herta, born in 1898, might seem at first glance unlikely spy queens from the mere matter of age, if nothing else; but they did admit, according to Halvorson, that they had a relative, Guenter Vogt, one of Maennel's associates, in the East German secret service. However, according to Halvorson:

They advised us that they can never receive any mail at their address addressed to Guenter Vogt, nor had he ever sent any mail to be forwarded to any address. This did not only include the United States, it included all foreign countries. . . .

On cross-examination, Latimer copper-riveted the point.

Q. In this interview with Klara Weiss, you asked her if she had ever received any mail from anybody in the United States, and she had not. She said, she had not. Is that correct?

A. The way the questioning went, sir, was, we asked her if she ever received any mail from the United States for Guenter Vogt. She said, no. So then we figured, "Well, nobody in another country?" No was again the reply. And then, of course, we asked her if she had ever mailed anything, any correspondence for Guenter Vogt to West Germany, or any other country, and she said, no, she had not.

Q. She had not received any mail from the United States?

A. That is correct, sir.

V. The Captain's Story

It remained only for Captain Kauffman to take the witness stand.

The defense, in addition to the gaps it had torn in the prosecution's case on cross-examination, was based on two cornerstones. One was the testimony of Captain Kauffman himself; the other, the submission of an exhaustive amount of public material demonstrating widespread knowledge about the nature and location of American bases in Greenland. The volume of published material, submitted by the defense, ranged from page-one news items in *The New York Times* to full-scale feature articles in *Life* and in virtually every other American magazine of major circulation. Thule, the major radar base in Greenland—a base Captain Kauffman had never visited and about which admittedly he had no special knowledge—had been quite adequately described. By submission of these published exhibits, Latimer demonstrated that Guenter Maennel could have gathered the kind of generalized, uncertain knowledge he had displayed—and this was all he *had* displayed—from any number of sources other than Captain Kauffman. This point made, the rest depended upon Captain Kauffman himself.

Called to the stand, Kauffman's startlingly altered appearance spoke eloquently of the ordeal he had been going through. In the space of less than half a year, he appeared to have aged more than a decade. The once glossy black hair was now turning white. The face that, at forty-three, had retained almost the unblemished smoothness of youth, was now drawn and haggard, with deep-slashing lines running downward from the corners of the nose to the corners of the mouth.

The Captain testified quietly, calmly, about the events of his early life, about his varied tours of duty in the service. Gently, Latimer brought him to tell of the mischance that had taken him to Berlin and had landed him in the arms of the East German police. Kauffman described the story from his viewpoint, much as it had been told before, until he arrived at last at the house of interrogation in Buch in the custody of Captain Bergmann, Maennel and Lieutenant Eiserbeck, the female interpreter. There, he said, they had tried to question him.

Q. Now, in that conversation, what was the general subject of the inquiries made?

A. They wanted to know whether . . . what I thought of the present United States, what were the feelings of the people of the United States towards the President; they asked questions about Sondrestrom, about the length of the airstrip, where the buildings were located, where the quarters were located; questions along that line. What was our mission; how did our food come in there.

Q. All right. Did you answer any of these questions?

A. I only answered certain questions.

Q. All right. Tell the court those you answered and those that you refused to answer.

A. I answered questions concerning my name, rank, serial number.

Q. And those were the only questions you answered at this time?

A. This is correct.

Captain Kauffman described his encounter with the Soviet agent in these words:

He went through the same questions over and over again and got

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highly incensed at me. He knocked on the table, yelled; he said he could not understand why an officer of the United States service couldn't answer simple questions as to how many people there were at Sondrestrom, how many aircraft we had there, where the locations of the buildings were. In each instance I refused to answer him.

Q. You yelled at him?

A. I yelled at him, that I was not going to answer any of his questions, that I desired to see a representative of the American government.

After the Soviet agent stormed out, Captain Kauffman was interviewed briefly by a man whom he identified as "a slim individual" (Maennel) and then he was placed in a bedroom under guard for the night. The following day, September 30, Maennel interviewed him again; but, the witness insisted, he answered no questions pertaining to defense matters. Of course, Maennel—as Maennel himself had admitted—had searched his personal effects, and so had gleaned some general information about his last station and the names of the commanders. Finally, according to Captain Kauffman, a document was presented for him to sign.

It had my name, rank and serial number [he testified]; it had the fact that I was traveling from Sondrestrom Air Base, Greenland to Berlin, Germany; it also had that I was not a spy; it had also the names and addresses of both of my brothers and it also had the names of the three members which had been mentioned to me, that is, Colonel Skofield, Colonel Stewart, and Colonel Williams—to the fact that they were middle-aged men of good character; it also in there—it had in there that at Sondrestrom Air Base they had radio, TV; this was a landing strip for Scandinavian Airlines System; the last thing they had in there, to the effect that I had received no bodily harm and that I was being released. I protested against signing this document.

Captain Kauffman was told, however, that, if he wanted to be released, he would have to sign. Two other conditions were also attached to his release. He was to stay at a certain hotel in West Berlin, and he was to agree to come back the following day, on his word of honor as an Air Force officer. Finally, after an argument that lasted from forty-five minutes to an hour, Captain Kauffman agreed to the conditions and signed the document. He also, when he was released, did what he had agreed to do. He went to the designated hotel, the Charlottenburger, and registered there under his correct name, giving his rank and place of birth; and the following day, a Saturday, he returned to East Berlin where his now-kindly captors wanted to show him the night life.

It was true, Captain Kauffman said, that as the evening progressed they burst into song. But, instead of thundering the *Internationale*, as Maennel had testified, his contribution had been two old American standbys, *I've Been Working on the Railroad* and *It's Only a Beer Bottle*.

Q. Do you know the words of the *Internationale*?

A. No, I do not.

Q. Do you know the melody?

A. No, I do not even know the melody.

It was, Captain Kauffman said, purely a social evening; there was no discussion of politics, of political philosophy or of military matters. The same was true on Sunday when his escorts, Bergmann and Maennel, showed him the sights of East Berlin. On his last visit, on Monday, he was surprised to find that the interpreter had rejoined their party. He was taken to a house where a table "in a fairly large room" contained a platter of sandwiches "like a Swedish smörgasbord, and coffee." They had lunch, and it was then, he testified, that he learned for the first time that his hosts were in reality intelligence agents seeking to entice him into an espionage contract.

Q. When that was told to you, what did you do?

A. I was shocked. I remember specifically saying, My God!

This testimony, it may be noted, agrees precisely with all of Maennel's versions of the incident prior to that last, revised version he had delivered from the witness stand. In refusing to sign the document, Captain Kauffman also acted as Maennel had said he acted.

Q. After you told them you would refuse to sign, what was done?

A. After I said I refuse to sign, at this time the heavy-set individual [Bergmann], through the interpreter, said that in case I'd like to get in touch with him, he would like to give me an address.

Q. What was done then?

A. We couldn't find any paper, and I handed them my notebook. As a matter of fact, I would have done anything at the time to get out of there. . . .

This was the manner in which the name of the eighty-four-year-old Klara Weiss, who even according to Maennel had not been notified of her role, happened to find its way into Captain Kauffman's notebook. He hadn't looked at it, hadn't paid any attention to it. He had been simply intent on "getting out of there." There had been no handshake ceremony to ratify a solemn pact; there had been no drinking of a toast to the future flourishing of espionage. Instead, his captors, at his request, had driven him to the railroad station; he had taken a train back to West Berlin; and the next morning, he had taken a Pan American flight out of Templehof Airport.

In all of his contacts with the East German agents, he had never given any information that could be used "to the injury of the United States of America in any way, shape or form"; he had never agreed to go back to Berlin in 1963; he had never had any intention of participating in espionage work, nor had he; he wanted only to continue his career in the Air Force.

At this point, turning to the prosecution, Latimer said: "You may cross-examine."

The prosecution asked for a short recess to gather its forces, a pause that affords a last chance to take a look at what manner of man was Captain Joseph Patrick Kauffman. The picture comes from a number of widely scattered sources, but the sources in general all agree: the man they picture is the same man—one who was perhaps overconscientious, over-zealous, overdedicated; an extremely meticulous man who saved everything, worried over every detail. One can see him making a good finance officer. Every penny, every entry in a ledger would be to him a matter of infinite concern.

It was completely in character that, when he decided to visit Europe, he should acquire from a fellow officer a volume entitled, *How to Travel in Europe on $5 a Day*. Peter Borck, the guard at the Tomb of the Unknown Soldier, whom the OSI diligently tracked down, confirmed Captain Kauffman's ac-

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count of their meeting, their short visit in Paris, their trip to Hamburg. But Borck filled in some interesting sidelights. On the train on the way to Hamburg, he said, they had met an attractive woman, a secretary in the American State Department. Captain Kauffman, who remarked that he had been a long time in Greenland without the sight of a pretty face, waxed perhaps overjovial and broke out two expensive bottles of liquor that his commander had given him as a departing present. Despite the Captain's animation and his generosity with his liquor, Borck recalled he had gotten the impression that Kauffman was probably a bit tight in money matters. He had complained about the high prices in Paris, and when they reached Hamburg, he had asked Borck to recommend an inexpensive hotel.

The man who had been an orphanage waif, who had shuttled from foster home to foster home, had survived his early trials and gained a station in life; but it is obvious that he had not survived without scars. The abnormal effort that had enabled him to work his way through college, studying and holding six jobs at a time, existing on four to five hours' sleep a night, had left him an essentially work-oriented individual, with difficulties in human relationships. In 1956, at the Eglin Air Force Base in Florida, he had become involved, apparently for the only time in his career, in a personality conflict with higher command. He had been transferred to the base to work on a special project with which he was not familiar, and it was not long, according to his commander, before his all-out effort was getting him into everyone's hair. He became so obsessed with detail that he had difficulty getting anything done; he was haunted by the feeling that his office personnel was inefficient; he was exercised by what he called filthy conditions in the rest rooms; and he diligently devoted himself to trying to change everything. Neither the office force nor his superior took kindly to these endeavors, and his superior sent him to the base hospital for psychiatric examination.

The resulting long report sheds some illuminating rays on Captain Kauffman. The psychiatrist noted that the Captain had experienced "a great deal of trauma in his earlier life," and "while he feels he developed quite normally, he never had time to relate to other people in any close way. He has never married, although he has dated frequently." He had absorbed himself in his work and in one other, overriding interest. He had always given of his time and money "to help support orphanages and homes of that nature," in the hope that other unfortunates might not have so hard a struggle as he had had.

After his arrest, naturally, all stops had been pulled out by the OSI in an effort to dredge up detrimental personal and ideological information. They tried to find evidence that he was homosexual, and failed. They hoped to discover a strain of subversive Marxism; but the ineradicable picture remained of a man who, if he had political opinions, must have been practically a made-in-the-mold conservative —scrupulous, honest, meticulous to a fault.

Three obscure paragraphs in *The New York Times*, after Captain Kauffman's arrest, project the image of the man fellow workers had known in the Department of Agriculture branch in Detroit. "I just can't believe that [spy] story," said Gene Russell, who had roomed with Captain Kauffman in 1948 and 1949. "He was about the most honest guy I ever knew," Robert Cooney, another friend, said: "He was almost overzealous about his honesty." His former secretary, Elizabeth Perliss, put it this way: "He was a person beyond reproach."

It is perhaps not too much to suggest that this is precisely the type of personality that would be especially devastated by the type of charge that had been brought against Captain Kauffman. A harder, more cynical, man, one whose world was not so meticulously ordered, might have been better equipped to cope with the issue; but Captain Kauffman, surviving the OSI's verbal third degree, denied his rights in being "shanghaied" to military trial in Germany, was a man especially and peculiarly torn (as official reports on his conduct indicated) by a seething, burning resentment, a soul-destroying bitterness, as he awaited the shafts of the prosecution.

He did not have to wait. Colonel Morgan went instantly to the one specification in the charges about which there could be no dispute. Captain Kauffman had not reported his trip to Berlin; he had not reported to higher authorities, as regulations required, that he had been contacted by East German secret-service agents. Why? "I did not think there was any requirement to report about these contacts," Captain Kauffman said, a bit lamely.

This one point established, Colonel Morgan went for the jugular. Charles Keith had written to Michael Kauffman after the first blast of publicity that the Air Force was playing "dirty pool"; but the "dirty pool" of the past was as nothing to the "dirty pool" Colonel Morgan was about to play now. In all of the OSI investigation, in all of the trial record, there is no hint (if one excepts the dubious word of Maennel) that Captain Kauffman had ever been personally beguiled by Communist ideology. But he had a brother who, admittedly, at one time, had been a Communist. This was enough:

> Q. How many years did you live with your brother, Charles Lawrence Keith?
>
> A. I didn't live with him for years —probably a matter of six or seven months. . . .
>
> Q. Now, during this period of time you were living with your brother, Charles Lawrence Keith, did you ever see any Communist literature or books in his possession?
>
> A. I don't know what you're talking about, sir.
>
> Q. I think the question is clear enough, Captain Kauffman.
>
> A. If you will mention some books, possibly I could say whether I have or haven't. Everybody has who happens to have an extensive library.
>
> Q. During the period of time that you were living with your brother, Charles Lawrence Keith, did you ever see any Communist literature or books in his possession?
>
> A. No, I did not.

This was all that Colonel Morgan needed. Voice rasping scornfully, he pointed out that, in answering a similar question by OSI Colonel Barsanti on November 19, 1961, Captain Kauffman *had* acknowledged that he *had* seen Communist literature in Keith's possession. This touched off a furious legal argument. When the smoke had settled and the defense's ob-

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jection to the line of questioning had been overruled, Captain Kauffman answered: "The books I saw were on Karl Marx. These are the same books that were recently shown in the movie relative to General Stone. He had a similar library."

"That's not the question I asked you, Captain Kauffman," Colonel Morgan snapped.

He was a hound on the scent now, determined that nothing would do but a flat "Yes" that could be contrasted with the previous flat "No"—and so could be used to make Captain Kauffman out a liar. Finally he got it; and, relentless, Colonel Morgan pounded on.

Q. Now, again, Captain Kauffman, my question is: Why did you testify a while ago that you had never seen Communist books or literature in your brother's possession?

A. I did not understand your question, sir.

Q. I see. . . . Now, you have indicated you have two brothers, one named Charles—and what is the other one's name again, please?

A. The other one's name is Michael.

Q. Which one do you consider yourself closer to?

A. I consider myself equal, to both.

Q. Then I ask you, Captain Kauffman, who is the beneficiary for gratuity pay in the event of your death, in the event there is no surviving spouse or child? [Here there was a legal argument; the defense was overruled, as usual; and then—]

A. I'll answer the question this way, Colonel Morgan—

Q. Just a moment. Captain Kauffman, I want you to answer—

A. Would you not give me a chance to—

Q. I want you to answer the question, not some other question. If you are not clear on it, we'll have the reporter read it. Do you want the question repeated?

A. No, my brother Charles is indicated as the beneficiary for insurance. Now, may I continue?

Law Officer: You may explain that answer.

A. My brother also has a copy of my will, in which all of my possessions, including insurance, is left to the University of Wyoming to establish a trust fund for deserving individuals, so they can continue their education and not go through what I had to go through, in working through college. Now, this can be confirmed, too.

Even Colonel Morgan had had enough of the answer at that point, and he quickly dropped the whole matter. But the damage, it would seem, had been done. Captain Kauffman had been tarred with his one-time Communist brother; he had been trapped, in an effort to do justice to his brother, in an evasive answer that the prosecution could hold up with a hoot and a holler, asking, in effect, "See? How can you believe this man?"

If there had ever been any doubt about the issue, this sequence probably settled it.

Latimer, in his summation for the defense, did his best. Maennel, he argued, was "a pathological liar." He stressed the inconsistencies, the outright contradictions, in the various stories that Maennel had told. He held up a map that *The New York Times* had printed, showing the precise locations of American bases in Greenland and giving the number of troops stationed there at 6,000—far more explicit information than anything Maennel had been able to cite in his testimony. Latimer emphasized that Captain Kauffman in April, 1952, had been given "a top secret rating" after a most thorough examination of his family and his background and that this, though he never actually handled secret material, had never been taken away from him.

Captain Kauffman, Latimer acknowledged, had been stupid. He had thought he should keep his word, even when he gave it to a Communist—that overzealousness about his honesty that his friend, Cooney, had mentioned—and so, instead of running away, as he might have done, he went back to East Berlin as he had promised to do. Drawing a devastating comparison between the two protagonists, Maennel and Captain Kauffman, Latimer said:

We have a traitor, a deserter, or a man that has sold out and comes out here in disguise and the trappings of a Hollywood actor. And he comes in and gives us an oath, and we have the prosecution insisting that he is an honorable man because he tells the truth. Well, I think maybe he had better give a little bit of advantage to the American officer. At least I have one that's not an admitted spy; not an admitted Communist. . . .

I am representing to you a United States Air Force captain some forty-three years of age, who has had a very fine record with never an Article 15, a letter of reprimand, a special or a general court, who has traveled all over the world, and has gone from enlisted man to a promotion in the reserves to a major, and is presently in the permanent rank of captain. . . . And look what he ran into in the space of four days. In a space of four days that man's whole future is riding in the balance.

But I am going to put him on my scales, and then I am going to let the government have theirs. I'm going to let them have their traitor. I'm going to let them have their defector. And I am going to let them have the man that I know, and you know from the record, has lied on many occasions.

It was a bargain that the military court bought. They weighed the two in the scales—and they loved, not the American officer, but the traitor. Captain Kauffman was convicted on all four counts. His sentence: twenty years in prison.

VI. Presumption of Guilt

The ordeal of Captain Kauffman goes on. Probably no other case of our time has exposed such a range of callous disregard of the rights of the individual: illegal search; third-degree verbal questioning in the absence of counsel and in defiance of counsel's request; the taping of at least one end of privileged conversations between the accused and his counsel; the spiriting of the prisoner abroad to deprive him of fair trial; the court-martial in an atmosphere loaded with the phony, ultra-security trappings of the totalitarian state; the exchange of signals in the courtroom while the accusing witness was on the stand, making a travesty of the most elementary processes of justice. Look well at that catalogue. The deeds in this unrelieved sequence are completely incompatible with the ideals of American democracy, with its primary emphasis upon the protection and the liberty of the individual.

The ordeal of Captain Kauffman becomes an invaluable showpiece in the workroom of American

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military authoritarianism. It is a window through which one may view the processes, the prejudices and the predisposition to judgment, that pervert the very basis of the American system of justice. In spy and security cases at least, the presumption of innocence is transformed into a presumption of guilt; all of the prestige of the government, of authority, rides on the shoulders of the informer-accuser, and the burden of proof is placed upon the accused to prove his innocence, if he can and if he dare.

This harsh and cruel reversal becomes patently clear in the exercise of illogic that was used to uphold and sustain the conviction and sentence of Captain Kauffman. The first review, prepared by Wendell J. Willmore, civilian attorney, and approved by Colonel Dwight R. Rowland, Staff Judge Advocate, is a vivid example in point. This review, which has formed the bedrock of the military's case ever since, acknowledged quite frankly that the entire case revolved about the test of credibility between Maennel and Captain Kauffman. Bearing in mind now the changes in Maennel's testimony, the final witness-stand additions to his testimony, his own contradictions of self on the witness stand, the patent weaknesses and almost idiotic flaws in the spy yarn he unfolded, let's see how all doubts were resolved in favor of Maennel and the prosecution.

> The court [Willmore wrote], with the advantage of hearing and observing the witnesses, demonstrated by its findings that, as between Maennel and the accused, it believed Maennel. . . . I have arrived at the same conclusion. . . .
>
> Maennel's explanation of these inconsistencies and failures of memory, as well as certain other inconsistencies . . . was that his initial statement to the OSI was somewhat hurriedly given (after more than a year following the events related) and that since that time . . . he had thought about the matters more carefully and the details thereof had become clearer to him. [Note the complete absence of any mention of the irreconcilable conflict between Maennel and Captain Reed.] This explanation does not appear to be unreasonable, particularly in view of the length of time involved after the incidents in question. . . .
>
> Significantly, the accused in his testimony agrees by and large with Maennel's description of what happened, except as to those particular instances which tend to place him in an incriminating position. If we are to believe his story, we must necessarily conclude that Maennel's account of events, while accurate for the most part, is just enough flavored to make the accused out a traitor. The record strongly gives the impression that where such testimonial deviations from the truth occur, it is the accused who makes them and not Maennel.

There is, of course, no logic in this conclusion. When two statements stand in contrast, with no shred of supporting evidence on either side, common sense would seem to say that one may be just as true as the other. And when that one, as in Captain Kauffman's case, is supported in vital details by the story the accusing witness *originally* told—but which he then subsequently changed to fit the legal needs of the prosecution—only a man peculiarly prejudiced or peculiarly blind could decide that the presumption of truth must ride with the accuser. No circumstance could more graphically illustrate the supremacy of the virus of suspicion. Presumption of innocence, basis of the American system, has been turned into presumption of guilt.

This, then, is the core of meaning, the central significance, of the ordeal of Captain Kauffman. As we said, that ordeal still goes on. In January, Latimer argued Captain Kauffman's appeal before the Air Force Board of Review in Washington. Though the prosecution put in an almost perfunctory appearance, relying almost solely on the reasoning of the Willmore-Rowland review, this military board upheld the conviction, but dismissed one specification and reduced the sentence to ten years. Latimer, fighting on, carries his case next to the Court of Military Appeals, where, for the first time, the case against Captain Kauffman will be reviewed by civilian judges. The appeal probably will be held in October.

Meanwhile, in Fort Leavenworth, Kansas, the imprisoned Captain Kauffman still waits and hopes for a justice that, even if it comes, can hardly be expected to make whole again the bits and pieces of his shattered life. So, prematurely aged, he waits on the slow course of the law — a law that, to date, has reserved its smiles for a man of unknown antecedents who left his country, wife and family and came out of East Germany bearing tales of spy rings and, with them, courting American pay and favor.

Chicago

RISE of the NEGRO MILITANT . . . Hoyt W. Fuller

Chicago

At the time that Louis E. Lomax's *Harper's* article, "The Negro Revolt Against the Negro Leadership Class," appeared back in 1960, only a few people—black or white—envisioned any imminent upheaval in the ranks of Negro leaders. Today, it is rather freely charged that the NAACP, for example, until recently was almost as much a Negro status organization as it was a battler for equal rights. But this kind of talk would have seemed blasphemous only a short time ago. With a speed matching the tempo of the general assault against segregation, Negroes of all social and economic strata are coming to realize the correctness of Mr. Lomax's contention that the entrenched Negro leadership class — largely, the upper-middle class — is equally a target of the current Negro revolt.

Perhaps nowhere in the nation is the revolt against the Negro leadership class so dramatic and—to the growing number of erstwhile associates of that class—so welcome as in Chicago. There is a certain logic in this: no other American city can match Chicago in the qualitative depths to which its Negro leadership

Hoyt W. Fuller is managing editor of Negro Digest.

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has descended. In all fairness, it must be stated that a substantial minority of middle-class Negroes here have long opposed the Negro elements in the city's powerful Democratic political machine. Protest votes are regularly cast for Republicans in South Side wards; but they are cast with the prior knowledge that, against the machine's formidable efficiency, the gesture is foredoomed to failure. Considering the machine's effectiveness, Negro politicians here—for the present, at any rate—have little reason to fear the Negro revolt. However, other members of the Negro leadership class are discovering that they are, indeed, vulnerable.

The first of these leaders to suffer the arrows of the aroused Negro public was Mrs. Wendell E. Green, widow of a circuit judge and—until last May—the only Negro member of the city's school board. For several years, under the leadership of the Chicago Urban League's dynamic executive secretary, Edwin C. Berry, segments of the Negro community have been engaged in running skirmishes with School Superintendent Benjamin Willis and the school board over the issue of *de facto* and contrived segregation in the schools. The superintendent has been little inclined to entertain the Negroes' complaints, and the board generally has supported him. What sympathy the Negro groups received from the board came, almost invariably, from Raymond W. Pasnick, who is white. Mrs. Green either supported Superintendent Willis or was silent. (There exists a parallel situation in the City Council. The half-dozen Negro Aldermen, all Democrats, are contemptuously referred to as "The Silent Six." It is white Alderman Leon Despres who persistently speaks out in behalf of the Negro community and who, because of it, is frequently attacked by his Negro colleagues.)

Criticism of Mrs. Green had smoldered for several months before it finally exploded last spring. The breaking point arrived when it was revealed that Mrs. Green, alone of the eleven board members, had expressed reservations on the appointment of Robert J. Havighurst, an outspoken white, liberal educator, to head a long-delayed survey of the public-school system. (Other

Eclipse

board members undoubtedly opposed the appointment, but reserved comment.) Certain individuals and organizations, notably the American Legion, objected to Dr. Havighurst on the grounds that he had associated with left-wing organizations. Mrs. Green, in newspaper reports, disapproved of the educator's proposals for regional high schools and requested the first of several postponements on voting on his appointment. She was also active in urging subsequent deferments on one pretext or another.

Various Negro pressure groups apparently had urged Mrs. Green to become more aggressive in behalf of integrated schools, but to little avail. When, early in May, she appeared at the Dulles Elementary School to address the PTA, she was met by organized demonstrations. Later, when it was learned that she would address the graduating class of the all-Negro Dunbar Vocational High School (on an invitation extended seven months earlier), several predominantly Negro groups announced they would be on hand for a "peaceful protest," charging the Negro board member with "support of Jim Crow education, support of second-rate education, an attempt to sabotage the survey of Chicago's schools, and misrepresenting her office." The protesting groups included the NAACP and CORE, as well as the Negro American Labor Council, Teachers for Integrated Schools and Independent Democrats for Political Progress.

On the evening of the commencement ceremonies, some 900 pickets ringed the high school long before Mrs. Green's arrival. When Principal Joseph J. Dixon introduced the guest speaker, about 200 persons in the audience arose and walked out. Mrs. Green proceeded to deliver her address; after she sat down, those who had walked out returned to the auditorium. Through it all, Mrs. Green retained a remarkable dignity and composure, but it was clear that the experience had bewildered and badly upset her.

One of Mrs. Green's severest critics was Charles H. Jones, Jr., spokesman for the Chicago Area Friends of the Student Non-Violent Coordinating Committee (SNCC), who insisted that she should resign from the school board. "She has refused to recognize the necessity that Negroes must be unshackled and let out of the ghettos," he said. In a statement released prior to the Dunbar Vocational High School protest, Jones said that the protesting organizations had "tried repeatedly during the period Mrs. Green has been a member of the Chicago Board of Education to treat her with all the respect and courtesy due a member of this important body, being ever mindful of her age [she is over sixty] and her sex. This respectful treatment has been met repeatedly with hostility, disdain and non-cooperation. We are sick at heart that this public protest is necessary, but in the last half of the twentieth century — one hundred years after Emancipation — when this nation's children, generation after generation, have been marred and maimed by second-class treatment, we can no longer allow false representation of Negroes to go unchallenged."

But the more telling portent for Mrs. Green and for Negro leaders of her persuasion was contained in a statement Jones made later to a reporter. Mrs. Green, he charged, "has no psychological or emotional identity with the Negro community." In an amplification of this proposition, a rebel NAACP leader aimed this broadside: "You know, in the past, so many elite Negroes received appointments and honors —and considerable status and income—as representatives of the Negro community when they actually made every effort to cut themselves off from the true Negro community. They were too busy being like white

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people and trying to persuade white people that they were different from the Negro masses. Literally carbon copies of white people, you know. It was self-degrading, and it is no wonder white people despise them. Well, it's not going to be like that any more, either outside the NAACP or inside it. The leaders must be with the people—or else."

Less than two weeks after Mrs. Green's experience, Mayor Richard J. Daley and the Rev. Joseph H. Jackson underwent similar ones at the hands of the outraged young civil-rights activists. Both were shouted off the platform when they attempted to address an NAACP mass meeting following a parade on July 4. Despite official denials by the top level of the NAACP hierarchy, the Young Turks of that organization are known to have been very much in league with the fomenters of the protest against the two speakers. They wanted both the Mayor and the minister to know that soft-treading on the issue of equal rights had been relegated to history. And they wanted the NAACP brass to know that apologies were not in order.

By the middle of July, the campaign against school segregation intensified to the point where violence flared, and the CORE sponsors of the drive were no longer effectively in control. The newspapers pointed accusing fingers and made dire warnings, and the police moved in to make arrests and restore a kind of order. One day Alderman Charles Chew, a Negro who had been elected as an "independent" Democrat, showed up among the pickets outside the Board of Education offices downtown. And then, the following day, a truly strange event took place. Alderman Claude W. B. Holman announced that he and the other four available Negro Aldermen (one was on vacation) were sponsoring a "monster" civil-rights rally on August 5. On the same day, it was also learned, some sixteen civil-rights groups had organized the Coordinating Council of Community Organizations (CCCO) and had set a huge conference on civil rights without notifying or inviting any of the Negro Aldermen. (Later in August, four of these Aldermen arranged a meeting with School Board President Clair M. Roddewig without notifying or inviting Alderman Chew.)

Noting the Negro Aldermen's belated attempt to get on the band wagon, the Rev. Arthur M. Brazier, a militant Negro leader and head of CCCO, said wryly: "The Aldermen have begun to get the message that the Negro people are not satisfied with the way the councilmen have been conducting themselves."

MYTH-IMAGE of the SCIENTIST

Hilbert Schenck, Jr.

During those happy moments when the average practitioner of science can ignore the essential triviality of much of his work, he may daydream back to the palmy days of Darwin and the icon-smashers. In his fantasies he may become a tough-minded Huxley confronting an ancient and tired Church of England, freeing men from centuries of enslaving myth and superstition. But it is all too obvious that, in its rapid triumph, science has only substituted a newer myth structure for the old ones and these myths of science are no more logical or useful than the ones long since abandoned.

Consider, as an example, our mythic image of the scientific investigator himself, the seeker after truth, the man motivated only by curiosity, a Mallory of the mind, climbing into a stratosphere of ideas only "because they are there." Actually, curiosity or a search for truth has nothing whatever to do with most of modern research. Investigations are usually initiated because the scientist believes a granting agency or company front office will approve his topic. The topic itself should be of contemporary interest (high-energy particles, heat transfer in rocket nozzles and tanks, studies of big-city delinquency); it should relate to previous publications by the grantee (no "fliers" into a new field allowed); and it should fit the budgetary policies of the target agency or foundation. The proposal-writer understands that a thirty-grand request with two years' duration is favored by the National Science Foundation, especially if the proposal stresses generality. The Ford Foundation, on the other hand, likes to give more than this, but only to name schools and teams of people—and only if there is a relationship to education. Far-out stuff (parapsychology, hypnotic and sleep-learning) is absolutely N.G., as is any project that solves only a particular problem (turning bullock dung into methane fuel) rather than "adding importantly to the store of human knowledge."

The investigator's doctoral candidates have, of course, even less chance (indeed no chance) to exercise their personal curiosity since they must do what the proposal says. The fact that a student might rather study water-lifting in Ghana than the flow of liquid hydrogen in rocket pumps is of no moment. Unfortunately, some years and a couple of publications later, he must continue the study of liquid hydrogen flow, since this has become his field of competence. His dean is wondering what was the use of paying a premium to this young Ph.D. if the kid can't even get a little old grant. It is easy to see how a really substantial literature on hydrogen-pumping can grow in a few years.

The days in which an English cleric could meditate theories over morning porridge and then try them out in his private lab are long behind us. Tiny pieces of research still do result from curiosity-motivated work, but the amount is insignificant. I once "bootlegged" time on an industrial digital computer to write a paper showing how ocean waves would focus sunlight on a level bottom, a project that no granting agency would have touched due to my non-oceanographic background. Every so often I notice other small pieces, totally unrelated to the author's affiliation or specialty and obviously resulting from curiosity-motivated work. Few have the opportunity to play such pleas-

Hilbert Schenck, Jr., teaches mechanical engineering at Clarkson College of Technology and is the author of several engineering textbooks.

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ant games with the expensive toys of modern science.

Actually, this would not be so phony a myth-image if it were not accompanied by so much emphasis on "truth" and the "independent scientific spirit." For, while small truths are indeed an essential part of research, large truths are not and never have been. If any scientist involved in the Christmas Island nuclear blast of some time ago had told the *truth* about his proposed experiment, he would have said simply, "I don't know what will happen." If any AEC-sponsored researcher wanted to tell the *truth* about the effects of fallout on children, he would say, "I don't know."

C.P. Snow's novel of scientific honesty, *The Affair*, is fun to read, but it never occurs to any of the book's characters how trivial the "cooking" of doctoral-thesis data really is when compared with the continual falsifications perpetuated at the very pinnacles of the scientific hierarchy. If one of my students "bugs" his data sheet, he will either produce a result of such trivial consequence that I will not even notice it, or one of such glaring importance that I will have to rerun the test myself. Dishonesty in research is a senseless crime, easily spotted and potentially disastrous to the criminal. A rigorous reporting, especially when the results look odd, is a matter of self-interest and self-protection and has nothing to do with morality or immorality in science. It is in the areas of costly technical conjecture and public scientific policy that the moral bankruptcy of our leading scientists is displayed, where short-term political and immediate personal gains turn them into the antithesis of our scientific mythman. From the small truths of their youthful research they have moved into the world of the big lie.

Even the scientist in political difficulty does not emerge as a very great culture-hero. From Galileo to Oppenheimer, he has usually knuckled under to immediate authority, often at a time when his intellectual colleagues in the arts, philosophy and theology were choosing jail or worse. But this unhappy thought raises a new myth for examination involving competition of "free" versus "slave" science (to borrow some cold-war jargon). This myth, widely promoted during commencement addresses and in pamphlets on technical education sponsored by foundations, assures us that American science is really stronger, since it is free to follow the bents and inspirations of its practitioners. I have already mentioned the degree of freedom "on the job" of the young researcher in choosing his project—a degree which appears about the same as that of his Russian contemporary. Further, there seems to be no more pressure on talented Russian youths to select a given field than on an American youngster. The state, in either case, seems content to let the grants, scholarships and other inducements regulate the supply.

As far as the female half of both societies is concerned, the iron-curtain girls have much *greater* freedom to choose careers in science. According to current estimates, one-third of Russian engineering posts go to women. In the United States, lady physicists are rare birds, while distaff engineers are unheard of. Many engineering schools will not admit women and those that do make every effort to steer the girls into biology or, perhaps, chemistry. Even lady physicians still have a rough time in any area other than pediatrics. A number of engineering societies do not admit women to full membership and some actually maintain a kind of ladies' auxiliary where female technologists can be kept away from the men. If an engineering school were suddenly to open its ranks to the girls, it would be faced with a serious job-location problem in the technological industries. My own estimate of the situation is that a rigid quota system imposed by the college-placement office on the hiring industries would be required to break through this particular prejudice. Such an act of courage on the part of American technical colleges is, incidentally, almost impossible to imagine.

At the policy level of science, it is evident that the Russian technical leaders have more freedom than our own, for it is they who make the *move* and it is we who make the *response*. It is *they* who decided on the space race and then euchered us into joining the game. A scientific leadership that was free to move in the directions of interest and personal fulfillment would hardly have to look at our cold neighbor, the moon, for inspiration. Instead of this incredible forty-billion-dollar boondoggle, a really free scientific establishment would get on with the jobs worth doing: instantaneous spoken-word translators, cheap desalting plants, massive irrigation and weather-control methods, satellites that beam forecasts and power everywhere, disease cures and body-part banks, multiple methods of birth control, sociological assaults on poverty and prejudice, econometric studies of world-distribution patterns, unheard-of transportation methods, melting of permafrost and cooling tropic areas, harvesting the seas.

To the lay person, bemused by the clean-cut astronauts and Telstar, it seems that science is indeed a wonder. I would say that if a significant fraction of the monies and technical concentration of the space and weapons efforts were diversified into applied research on world-wide problems, the current pace of scientific progress would be revealed for the irregular and halting business it really is. Furthermore, the Western nations could afford to let Russia have the moon, for they would be trading it to us for the earth—and a healthier earth at that. Most interestingly, the scientist or engineer, immersed today in the anonymity of the bull pens and overshadowed by a few glamour boys getting their millions from the Luce papers, would truly and finally fulfill himself. He would be, for the first time, living up to his potential in this age of science.

Consider a small industrial group working on some tiny aspect of a space venture, perhaps the astronaut's boots. There is a heat-transfer man, a materials expert, a fabrication engineer, a group leader, some test engineers and a secretary. After six months of effort and a million dollars' worth of testing, the boot is perfect. The capsule makes its usual orbits and the astronaut goes water-skiing with the President's sister-in-law. So what?

Let's take the same group and the same money, but explain to it that 5 per cent of the births in Honduras result in the fatality of the mother simply because there are no sterilizers available to the midwives. Now our team works out a means of making pottery autoclaves that will withstand the necessary

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pressure. In so doing, they learn a great deal about pottery as a heat-transfer and structural material. They may even pioneer new methods for constructing cheap medical sterilizers for all sorts of purposes. The death rate of mothers in childbirth soon drops sharply and the group leader gets a medal from Honduras. The other technical people go home at night, sit down in front of the TV and say to their wives, "I accomplished more in the last six months than the entire Cape Canaveral thing did in ten years." Who is to deny their words?

A free community of science, led by brave and rational men, would make such opportunities available to us all. There is enough misery and enough opportunity to let all of us become heroes, and more honest and valuable heroes than any astronaut who ever lived. If the organization men of science could sell this moon nonsense to the taxpayers, they could certainly push a policy which would whip the Communists all over the place as it rapidly created wealth, markets and consumers in a hundred countries. Furthermore, such research would certainly generate a stunning array of new foods, gadgets and ideas that would be usable by everyone on the ground. Of course, neither the Russian nor American scientific leaders are brave, rational or truly free. Rather, they seem little more than puppets jerkily astride a cold-war hobby horse.

The investigator who is not concerned with application, or technological advances, may feel that these comments do not apply to him. Yet he is both victim and staunch defender of the most pernicious of all science myths. This is the belief in the primary importance of "pure" rather than "applied" science. This bit of folklore orders the course of scientific discovery in the following simple pattern. First, it specifies, comes our pure investigator, motivated by his curiosity. He arrives at something interesting, but apparently useless, such as a geometry of hyperspace or an odd trace in a cosmic-ray photo-bundle. Then it turns out, almost magically, that the geometry exactly predicts the path of electrons in a tunnel diode or something, while the particle is triply-ionized lithium and its behavior immediately suggests a good way to construct the neutron or "private property" bomb (it kills only people and there is no blast), or else a way to preserve cranberry juice. Thus does pure or non-directed research add to the national wealth and well-being. Furthermore, the purists are quick to warn that improper or inadequate support of their particular area of interest will dry up the wells of "truth" from which flow the ideas that lead some day to the transistor, the washer-dryer combination and color television.

I believe this myth is almost wholly without verification by the history of science and technology. There is no evidence of a sequential process of discovery proceeding from abstract to applied science and proving that the latter cannot happen without the former. The actual situation is far more complex; it would seem most closely to resemble a kind of dialogue between the abstract and the concrete in which neither is always first.

As a single but important example, there is a law of nature called the Second Law of Thermodynamics which may well be the most fundamental and far-reaching law yet formulated by mankind. In its applied-science sense it limits the utilization of all energy sources by men. In its deeper and more philosophical implications, it involves the direction of time itself and the evolution of the universe. The Second Law was first formulated by a French engineer, Sadi Carnot, a strong thinker who certainly qualifies as a pure scientist of his time. His "Reflections on the Motive Power of Heat" were the result of quite practical questions from James Watt and his derby-hatted engineering contemporaries who wished only to get more work out of a given engine. What, Carnot pondered, were the limits on such work production? His answers led to a very profound, actually very beautiful, penetration of the natural order. Yet I know of no scientific historian who alleges that Carnot's formulations could have occurred without prior work by the completely non-theoretical engineers of his day. The pure and applied worlds strike mutual sparks and neither is of predominant importance.

Now why does this particular myth form a core of the scientist's belief structure? *Because it is the primary myth that relieves science of responsibility, of its sense of sin.* This is the myth that equates science to art as a purely personal, creative endeavor, an activity responsive only to the genius of an individual mind. When an abstract-expressionist hurls gouts of orange mud at a half acre or canvas and proclaims an artistic millenium, he does no one harm. When a group of supposedly abstract truth-seekers hurl tons of radioactive mud into the blue and pleasant sky, it is not at all the same thing. Dr. Teller may proclaim a "spirit of adventure," but we can all think of better descriptions than that.

No researcher can escape the continuing responsibility for his acts. The disclaimers we all too often hear, "But my work has no application. I can't control its use. It's pure," are usually nonsense. Only a single-minded fanatic or a liar cannot give a sound estimate of the implications of his work. If we are squandering vast sums of public money not to fulfill human needs of the flesh and spirit, but only to advance our petty and special hobbies, then science is not pure, but only contemptible.

Myths fulfill both psychological and emotional needs. They provide the true believer with easy, stereotyped responses when strong moral action is actually required. So successful are the myths of the scientific establishment that almost no scientific conference or meeting schedules a single session, or even a single talk, on the immediate moral implications of research and the day-to-day responsibilities of scientists to their fellow men. The American Physical and Chemical Societies, the American Societies of Electrical, Civil, and Mechanical Engineers, and a hundred other learned groups walk in myth-besotted sleep. There is no new Huxley to rise and point his finger at these bishops of the scientific establishment, smiling in their scholarly cassocks, applauding the endless rockets and explosions while a billion persons grow up bent and hungry, shouting for the water and food and homes that we could provide with our powerful tools. No wonder we must have protection from the growing cries. Without our myths, our ears would be deafened and our hearts pinched and we might finally see ourselves with a too horrible clarity.

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Soviet View of World War II

Alexander Werth

In the last four years, largely as a result of the 20th Party Congress of 1956, the "real truth" about the war in Russia—all the way from the invasion of June 22, 1941, to the great Berlin apotheosis—is being told by professional historians, by generals, by local party or Komsomol leaders. And quite frequently the author is a "collective" of thirty or forty or fifty survivors of some particularly important long-term military action: *The Partisan Movement in Belorussia* (published recently by the Belorussian Academy of Sciences) or the *Moscow Opolcheniye* (i.e., "Home Guard," of about 100,000 volunteers, many of them elderly workers, who, ill-armed and ill-trained, were often used for filling the gaps in the front outside Moscow). The story of the Moscow *opolcheniye* is one of the most tragic of the war, and even many of its survivors refrain from using the all-too-usual heroic clichés.

There are books on the work of the war industries (e.g., *Guardiya Tyla*—"The Guard of the Rear") also written collectively, and giving some idea of the almost incredible physical hardship and mental strain that millions of workers—men, women, adolescents, and even children—endured, especially during the grim winter of 1941-42 when entire industries, evacuated from the German occupied or threatened areas, had to be re-housed at the height of winter in the wilds of the Urals, Siberia and Kazakhstan. This migration and transplantation of industry, as a result of which, by September, 1942, the production of war equipment had reached once again its summer 1941 level, is one of the most amazing feats of organization and human effort; thousands died of sheer exhaustion and overwork.

The "standard" Soviet history of World War II is the enormous six-volume *Great Patriotic War of the Soviet Union 1941-45*, of which the first four volumes (taking the story up to the end of 1944) have so far appeared. Written by a "collective" of Soviet historians and under the supervision of an "Editorial Committee," comprising generals, Central Committee bosses and professional historians, the *History* is published jointly by "the Institute of Marxism-Leninism attached to the Central Committee of the CPSU," and by the publishing house of the Ministry of Defense of the USSR. It is hard to imagine a publication subjected to more systematic vetting than this one, and yet it contains some immensely valuable material, complete with long excerpts from Ministry of Defense, Foreign Ministry and other archives, not to be found elsewhere. No doubt the 20th Congress and the general process of "de-Stalinization" give some of its parts a rather peculiar slant. Thus, although Molotov, Malenkov, Beria and Kaganovich were, together with Stalin, members of the GKO (the State Defense Committee, equivalent of Churchill's War Cabinet in Britain), Stalin himself is mentioned as rarely as possible; most of the other GKO members might never have existed.

Instead, the greatest prominence is given to Khrushchev who, in 1941, was the political head of Marshal Budienny's inglorious command in the Ukraine; then, in May, 1942, party boss of the Army group which was to lose the Battle of Kharkov, that disastrous prelude to the even more disastrous German summer offensive which swept the *Wehrmacht* into Stalingrad and deep into the Caucasus. Later, Khrushchev was a political member of the Stalingrad Front (i.e., Army Group), and so shared the glory of that victory. Two important instances are cited of Khrushchev in open disagreement with Stalin: first, when he advocated withdrawal from Kiev—a proposal which, if followed, would have saved several hundred thousand Russians from encirclement, captivity or extermination; and, second, when he advised Stalin against his foolhardy and, as it turned out, disastrous attempt to recapture Kharkov in May, 1942, when the Germans enjoyed great tank and air superiority in the area. Much of this build-up of Khrushchev as a war leader is, of course, highly arguable (while in Russia in 1941-45 I hardly heard him mentioned) and the book also suffers from such childish taboos as the omission of the fact that Malenkov was at Stalingrad in a capacity similar to Khrushchev's, as General Chuikov told me in Stalingrad at the time.

There are other shortcomings in the book: lend-lease (which, for example, with 400,000 jeeps and trucks greatly added to the Red Army's mobility after Stalingrad) is hardly mentioned. Also, the question of how many prisoners the Germans took, particularly in 1941 (the Germans claimed more than 3 million), is passed over in silence, apart from the admission that "very many" were to perish in the horrible German prisoners' camps. More specifically, on the Kiev encirclement, the *History* denies the German claim of 650,000 prisoners and suggests a figure of about 200,000, leaving aside those who were killed or who broke out of the German ring. Also, the tone of the *History* tends to be over-heroic: while speaking of "the heroic spirit" of the people of Moscow in October, 1941, it makes no mention of the famous *drap* (skedaddle) of October 16 when, with or without permits, more than half of the city's population fled in a state of near-panic. (That this Moscow skedaddle is not taboo except in the official *History* may be seen from the very graphic account of those agonizing days in Konstantin Simonov's 1959 novel, *The Living and the Dead.*)

Despite these flaws, the *History* is a remarkable contribution to an understanding of the Soviet-German war. Among the most valuable chapters are those dealing with the beginning of the invasion; they give the reasons why exactly it was possible for the Germans to crash within a few weeks to the suburbs of Leningrad, to Smolensk, west of Moscow, and deep into the Ukraine. Some highly valuable explanations are offered for the total unpreparedness of the frontier areas; why, for example, with the rebuilding of the network of airfields in these areas, practically all the Russian aircraft, concentrated on a small

Alexander Werth has been working for the last two years on a voluminous history of World War II in the Soviet Union. It will be published here under the title: Russia at War, 1941-45.

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number of fields, could be wiped out by the Germans on the very first day. More significant still are the figures relating to aircraft and tank production in Russia during the twenty-two-month "breathing spell" of the Soviet-German pact: by June, 1941, when the Germans struck, modern aircraft that could stand up to the Germans, and modern tanks like the KV and the T34, had barely gone into mass production, the Russians having, in June, 1941, little more than 1,000 modern tanks altogether. Nor was personnel properly trained: many airmen were put on the few available modern planes after only a few hours in the air, and the same inadequate training prevailed for tank crews.

The frontier was neither fortified nor properly manned, and the anti-tank guns were wholly insufficient for dealing with German breakthroughs that sometimes attained to 100 tanks per km. And whereas in 1941 most German infantrymen had Tommy guns, the Russians had only rifles. (Nor was the Red Army psychologically prepared for war: the prevalent view, incorporated in the Draft Field Regulations, was that the war would be fought "on enemy territory and at small cost in blood"; and whereas the doctrine of the counter-offensive had been worked out in great detail, defense, and above all, defense in depth and organized retreat, had been wholly neglected.) It is quite clear from the *History* and many other books that Russia was going to be much better prepared for war by 1942; one must say that June, 1941 was, in fact, Hitler's very last chance of defeating Russia. Stalin knew it; hence his desperate bid to postpone the German attack at any price.

But even in 1941 Hitler failed: both at Smolensk in July and at Leningrad in August the Russians threw in sufficient reserves (however badly armed) to stop the Germans. Whether Moscow would have been captured if Hitler had not tried to do too many things at once (capture Leningrad, Ukraine, Crimea, etc.) will remain one of the enigmas of that war. What is certain is that there is no truth in the popular theory that "the winter" saved Moscow; during the first and greatest German onslaught in October the weather was very mild; it was not until the second all-out bid after November 16 that the winter weather helped the Russians. Furthermore, the weather could work both ways: if it had not been for the very hard winter and enormous quantity of snow in January-February, 1942, the Russian counteroffensive of December-March (with the Germans entrenched in well-heated houses and dugouts) might have been much more successful than it was. This little-known operation is examined in the *History* in great detail.

Even more valuable, in many ways, than the *History* are the war reminiscences by some of the generals: I. V. Boldin, I. I. Fedyuninsky, I. V. Tyulenev and, above all perhaps, V. I. Chuikov of Stalingrad. Tyulenev deals primarily with the defense of the Caucasus in the summer of 1942 when, in frantic haste, stupendous fortifications were built around the oil cities of Grozny and Baku, as well as across the Caucasian Mountain passes, so that, in no circumstances, could the Germans capture either the oil centers or Transcaucasia. The Fedyuninsky and especially the Boldin memoirs are particularly remarkable for their account of the chaos and bewilderment that prevailed on the frontier during the first days of the invasion — but a chaos accompanied by numerous cases of suicidal resistance by some (though not all) Russian troops. Boldin's account of Belostok, with civilians fleeing and total German command of the air and a consequent massacre of the refugees, is one of the most dramatic and tragic stories of the war. When, three months later, Boldin was put in charge of the defense of Tula, south of Moscow, against the onslaught of Guderian's tanks, the *lutte à outrance* spirit had already crystallized into something very hard and admirable. And most of these books confirm (though not explicitly) Ehrenburg's statement, in his recent memoirs that, rightly or wrongly, "there was, among the soldiers, absolute confidence in Stalin"— except, it is true, at the beginning of the invasion, when nearly everybody lost his head. It is a curious departure from the Khrushchev line.

But the good spirit of the troops outside Moscow in December, 1941, was not the invariable rule. Most remarkable of all the war books are the Chuikov memoirs on Stalingrad (*Nachalo puti*, "The Beginning of the Road"). He avoids undiluted heroics about either soldiers or generals. In his account of the pre-Stalingrad fighting in the Don country, there are good troops, and even admirable troops, fighting to the last man and the last bullet; but there are others who easily panic; there are generals who know their jobs, but there are others who either don't know their jobs, or lack the necessary nerve and character; there are some who have no faith in being able to hold Stalingrad and who get themselves medical transfers to quieter spots. What is more, in his detailed and fascinating account of the fighting inside Stalingrad, Chuikov admits that on at least two occasions Stalingrad was very nearly lost; the book contains some sharp polemics — against certain generals, notably against Yeremenko, who commanded the troops on the other side of the German five-mile "Volga salient" north of the city and who could, to some extent, have relieved the plight of the Stalingrad defenders, but failed to do so.

In a different category, though equally valuable, are books on that unprecedented human drama, the siege of Leningrad, where in the winter of 1941-42, one-third of the civilian population of nearly three million died of "dystrophy" — the learned word for starvation — with the Germans in one place only two miles outside the city. Two such works are A. V. Karasev's *Leningraders During the Blockade* and D. V. Pavlov's *Blockaded Leningrad*. The latter writer had the agonizing task of being in charge of Leningrad's food supplies at a time when the daily ration was — in most cases — reduced to four ounces of more or less ersatz bread,

Winter Apples

Lady, you are walking in your sleep.
You are stealing my apples,
and even though I know
you are walking
while you sleep,
I cannot forgive the theft. I fear even more
what you must be dreaming —
what forces you out of bed;
makes you walk by
and steal apples from my bowl.

Diane Wakoski

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and almost nothing else, and many thousands were dying daily.

The all-over picture presented by this new literature of the Soviet-German war is one of immense courage, stoicism and endurance during the first two years, and one of continued hardships but, at the same time, of an immense feeling of achievement and patriotic elation during the last two years. Russia, as President Kennedy recalled recently, lost twenty million people in the war — and though, as a national achievement, the victory was tremendous (what share of the credit must go to the Army, "the people," the party and Stalin personally, will continue to be a matter of dispute), the price of victory was terrible, and accounts for Russia's passionate distrust of Germany to this day. A reflection recurring in some of these books is that this was "the last war of its kind"; that very few of its lessons will have any bearing on the "next" one — if there is to be one. In the next war there will be no scope for human heroism, no Stalingrad, no Leningrad, no Sevastopol — just indiscriminate extermination, of the cowards and the brave alike. A war with only victims and no heroes would, as one Russian put it, be doubly unbearable.

Insights into the American Worker

THE AMERICAN WORKER IN THE TWENTIETH CENTURY: A History Through Autobiographies. By Eli Ginzberg and Hyman Berman. The Free Press. 368 pp. $7.50.

Harvey Swados

This intermittently intriguing volume might more accurately be titled "American Workers in the Twentieth Century," and the subtitle too could very well be altered; for what it contains is a series of ninety-three excerpts of "cases," not always autobiographical, ranging in length from several paragraphs to several pages, in tone from drab to gay, in intensity from passive to impassioned. These cases (or Life Histories, as they are called in the Table of Contents and the running heads) are to be found in three separate sections of the book, labeled Immigrants and Migrants, Prosperity and Depression, and High-Level Employment.

The sections in turn are surrounded by material which is fairly elementary but probably useful to the beginning student — historical and interpretative chapters by the authors (professors at Columbia University and the University of Minnesota), so that the book is divided into five parts and a dozen subsections (of which the Life Histories form three). It is all rather confusing, and the confusion is compounded because the origins of the cases are identified only in the index at the back — and there often not by date — so that even if you read with one finger in the index you will not be able to learn just when a carpenter or bootblack underwent the experience he relates.

What you will learn are a number of big and little insights of the kind that used to be found in novels — before novelists turned in upon themselves; and in movies — before directors turned to the absurd and the soporific. Anyone who cares about human beings must be moved by these Americans, explaining what it is like to knit full-fashioned silk hosiery ("I imagine a knitter would have to have very good eyes to last ten years"), or to be a tool and die maker ("I feel that I have ability that the average man don't have. I can look at almost anything even in this room and tell you how it was made, and if I had to turn around and make the dies to duplicate it, I believe I could"), or to wait table at a large restaurant ("Verbal insults usually result from a patron 'running' a waiter to the kitchen for one item at a time, and concludes by leaving a miserable tip. This type of character is known as a 'snake.' The waiter, after several snakes, has had his patience peeled thin. When a waiter has more than one party, a snake can put him 'up a tree' ").

The range is vast and formidable, from militant sit-downers and fearless textile organizers ("I said: 'Well if you want me to leave why don't you give me a fighting chance and go get a policeman and tell him I say come down here and carry me to Atlanta. I have no way out of here except walking.' Then the old man who was the mob leader said: 'We are not bringing the God damn

Harvey Swados has edited the anthology Years of Conscience: The Muckrakers *for Meridian.*

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law in this—we are the law here. . . .' About this time the old man said: "There has been enough damn arguing. Go get the hemp rope from the truck. . . . '") to the patriotic poor ("every time I hear *The Star-Spangled Banner* I feel a lump in my throat. There ain't no other nation in the world that would have sense enough to think of WPA and all the other A's") and those happy with their lot ("I don't blame Mr. Pugh a bit the way he feels about the unions. The plant manager knows Mr. Pugh mighty well and he told my foreman what Mr. Pugh said. Mr. Pugh said, If the union ever comes in here . . . why I'll just close the plant down. . . .' They just operate these unions out of Wall Street, anyhow").

The authors have gone through muckraking magazines, government hearings, WPA regional studies, depth interviews, and the Oral History tapes of several universities. But it will be observed that, far from being a collection of "autobiographies," this is a conglomeration of answers to questions, as-told-to accounts, journalistic narratives and volunteered memoirs, in short a *mélange* of older and newer ways of getting news from the underlying population. In some the human being emerges, in others he does not. In some his labor and his aspirations emerge, in others they do not. Furthermore, while there is great variety, there is hardly a cross-section. Where are the bank clerks, guitar players, sign painters, numbers runners, ballplayers, jocks, call girls, hustlers, con men, teachers, repairmen, car hops, reporters, civil servants, garage mechanics, disk jockeys? And if we are to have one Harlan County ballad, why not the lives of such as Aunt Molly Jackson or Mother Jones? If we are to have reportage by Louis Adamic, Charles Rumford Walker and Ruth McKenney, why none by Jack London, James Agee or Edmund Wilson? And why not even one excerpt from the uniquely American life-work stories in the files of the IWW paper, the *Industrial Worker*?

But more important than any of these questions of emphasis or variety is the central problem: the creative use of the tape recorder. The growth of Oral History centers at Columbia, Wayne State and Michigan, California, and no doubt elsewhere, is proof that social scientists are eagerly availing themselves of technological developments to capture for future generations the authentic voices of our own. But if we think of the use made of the camera and the microphone over several generations we must conclude that usually the mechanical device encourages the mechanical mind; really fruitful use of the endless collecting of endless raw data must await the rare creative man — like the anthropologist Oscar Lewis (with his *Five Families* and *The Children of Sanchez*) — who can visualize a new understanding growing from the interplay of the new medium and the freely speaking human being. The possibilities for the imaginative use of the actual are boundless, not alone in the social sciences but in the fields of fiction and drama as well.

The Viability of Utopia

UTOPIA AND ITS ENEMIES. By George Kateb. The Free Press. 244 pp. $5.50.

Saul Maloff

Notoriously, the Yahoos have all the life, all the magnetic energy, attract while they repel by their very vileness. All that the Houyhnhnms have is virtue and goodness, and they bore us, probably for that very reason: they are so clean, so sweet-smelling, so rational. Happiness, both private and public, must be possible, at least in theory: all of us know people who are *not fools and who seem happy*; and so long as we can imagine public happiness, we can imagine we may attain it. The trouble sets in when one tries to write about it: happy people leading happy and in some sense significant lives; no serious writer, however happy, is likely to try. More serious trouble is unleashed by the attempt to create human happiness, to arrange, to engineer it. All the benevolence in the world seems too little: Coleridge and Southey never did get their pantisocracy started on the banks of the Susquehanna, and Brook Farm burned while Alcott talked, brilliantly and at great length. Every one of them meant well; all they wanted was perfection.

The good, the virtuous society—it seems little enough to ask for, a modest dream, the perennial hope of mankind. In *Utopia and Its Enemies*, George Kateb defines Utopian society, in its modern terms, as "a world society of peace, abundance, and effortless virtue," which utilizes the resources of modern science and technology to achieve those ends. Mr. Kateb's idea of Utopia takes much of its inspiration from such works as Bellamy's *Looking Backward*, William Morris' *News from Nowhere*, Wells's *A Modern Utopia*, Lenin's *State and Revolution*, Freud's *Civilization and Its Discontents*, B. F. Skinner's *Walden Two* and Marcuse's *Eros and Civilization*, though he is critically aware of severe limitations in all of them. He is concerned not so much with projecting a Utopian vision as with a rigorous defense of its viability against its enemies, those thinkers and writers who deny its possibility or its desirability or both.

Mr. Kateb is a professor of politics at Amherst: his exposition is lucid and judicious; his arguments are methodical and, typically, incisive; he ranges impressively far and wide through social philosophy, political theory, imaginative writing, in search of the enemy, whose name is legion. In order to manage his material, he limits its scope, excluding, for example, a consideration of the complex question of work and leisure in Utopia; the focus is upon the elements of his definition—peace, abundance, effortless virtue, since these "are the essential features, including as they do the political form, the economic basis, and the major qualities of the social life, of modern utopia."

In its contemporary form (and, obviously, for the first time in history) Utopian thought can take for granted

Saul Maloff is a member of the literature faculty, Bennington College.

Investiture

The life of Galileo as it is reset
On a lecture platform allows us lecturers
To step back one pace and find ourselves
Under rope or mitre.

Investiture occurs not to the tolling
Of a recanting bell, merely
To our campanile striking
Its familiar schedule.

Ugly truth, lovely value take us
Into their cast, while around their
Moving inquisitions
Move the inquisitive spheres.

Josephine Miles

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the possibility, had we but the will, of an economy of abundance on a world-wide scale, all panicky talk of "population explosion" notwithstanding—and hence of the most significant antecedent conditions of permanent peace. At bottom, the counter-arguments to these (one would think) self-evident desiderata are immoral, and worse; Kateb argues cogently against them in familiar enough ways. Indeed, he is almost too cautious, granting the "enemies" more perhaps than they deserve. In his scrupulous desire to be fair, he credits them with benign intentions, assuming always that Utopianism has much to learn from its opponents.

For the serious modern Utopian, the exacerbating problem is precisely the *quality* of individual and social life: the possibility, which haunts the Utopian and anti-Utopian alike, that the person will become inert, flattened; that in a rational hygienic society the style and quality of life will become uninteresting, devitalized; that having gained the great dream of the end of hunger and war, of disease and ignorance, we will have surrendered human range and depth. Mr. Kateb is finely conscious of this central problem, though in the severity of his thinking and feeling he considers the counter-arguments "aesthetic" and therefore somehow frivolous—as in the short run, and on balance, they doubtless are. Nagging doubts remain: the phrase itself—"effortless virtue"—repels, so corrupt are we; yet I would like to carry those doubts into Utopia just to see what comes of them.

A radical politics which is not continuously animated by Utopian vision, we have learned in this historical era, must degenerate into bureaucracy; yet, conversely, Utopian vision which is not rooted in an adequate radical politics must finally be irrelevant to our present dilemmas, which are political. The human condition is a political problem, and so are hunger and war. The Utopian vision of permanent peace is this day's politics of nuclear disarmament. When an American President can on a "good-will" tour pledge to cheering multitudes of Germans the destruction of American cities in the defense of Western Europe, so that they will know us for the sincere people we really are, the problem is immediate and political.

LETTER from TOKYO (II)

Harold Clurman

Life in Japan today may be viewed as a sort of melodrama, a conflict, not between the "good guys" and the "bad guys," but between the old and the new. Though the upstart new has the clear advantage, the suspense is considerable. As in all instances where a civilization is in rapid transition, there is resistance. Those who fear or resent the passing of the old maintain that change is more apparent than real. It is easier in Japan than elsewhere to take this position, since Japan has always been able to assimilate features of other cultures and to transform them into something peculiarly its own.

Youngsters assure me that the Noh and Kabuki theatrical forms—issue of the fifteenth and seventeenth centuries respectively—are doomed. Their language is archaic and their pace, particularly that of Noh, intolerably slow. These were aristocratic modes, and are said to have little relation to present needs.

But though the government does not subsidize the theatre in the European fashion, the state financed the Kabuki's American tour; the Puppet Theatre, developed in the sixteenth century, had its career renewed by a grant from the national treasury. These are taken as signs that the old theatre will not become extinct. Yet I found sold-out houses only at contemporary plays. There was greater attendance at the Kabuki than at the Noh, and while the Noh audience was predominantly elderly and the Kabuki audience middle-aged, the audience for the modern plays was conspicuously young.

A learned devotee of the old theatre made an observation which struck me as especially significant: while the present players of Noh and Kabuki are proficient in the required movement and intonations, most of them lack the "inside feeling" which must animate these forms. Actors in modern plays, it was quickly added, have much more "inside feeling." This says more than any comparative statistics on the two kinds of theatre.

The Japanese film industry, affluent some years ago, is now suffering a decline as sharp as that of Hollywood's. This is supposedly due to earlier overproduction and to the poor quality of many recent films, most of which are as hackneyed as our old "B" movies. The deterioration, according to one gentleman committed to the maintenance of the traditional arts, is turning the interest of the young back to the theatre. But, he added with an enigmatic smile, none of the arts could really attract them because their bent is toward baseball, golf and country outings!

It struck me later that this remark dovetailed with another, by a university student, that the Japanese, "so clever with their fingers," were now reluctant to become skilled workers tied down to permanent jobs. They desire freedom to wander, to have a good time. With employment everywhere at hand, the young are always able to find new jobs. But labor is poorly paid and most workers live in rather squalid dwellings; that is why, someone else explained, so many people crowd the streets, where their eager pursuit of fun gives Tokyo its hectic complexion.

The attempt to resolve the tension between the traditional and the contemporary is most strikingly illustrated in the better films. One has only to think of *Rashomon* and some of Kurosawa's "Westerns" (Samurai adventure stories) to observe how detachment and skepticism allow the modern Japanese artist to celebrate certain perennially admirable virtues while subtly undermining their premises.

Masaki Kobayashi's *Harakiri* is a recent example of the interplay between new and old. Laid in the period of feudalism's decadence, its plot denounces the brutality and futility of that society's codes of honor. By

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thematic extension the story also casts doubt on adherence to many still prevalent and respected disciplines.

It is beautifully made and superlatively acted, with something of the chastened luxury of ancient Japanese art. Still one recognizes that a good deal of the pleasure of *Harakiri* lies in its cruelty and the gory extravagance of its sword play and fight scenes. It offers pity and terror but little tragic purge because its values are somewhat uncertain.

Other representative new films are Kurosawa's treatment of a murderous kidnaping (a new crime for Japan) and Ozu's homey *Oyaho* ("Hello") which centers on two little boys' desire to possess a television set. That instrument is the hero-image of the film.

The Actors' Theatre—organization and building—was founded some twenty years ago by the actor-director Korea Senda, who learned much from his studies in Berlin in pre-Hitler days. The theatre's auditorium seats four hundred and eighty; it is comfortable, modestly attractive, up-to-date. An orchestra seat costs less than a dollar.

Senda told me that The Actors' Theatre couldn't count on more than five thousand spectators for any of its productions in Tokyo. The most successful of them—*The Threepenny Opera*—had to move to a larger house to accommodate the seventy thousand people who were expected to see it. How, in view of these limited numbers, was it possible to build so fine a theatre? The actors themselves had contributed as much as 70 per cent of their earnings from television and movies.

"What idealism!" I exclaimed. "Since the theatre has been in existence for twenty years, one must conclude that there is a certain amount of realism involved as well," said the director. "Has the theatre become profitable?" I asked. "No," he answered, "but the actors now contribute only 20 per cent of their earnings."

There is a numerically unimpressive but steady demand for modern plays—as persistent as the political radicalism which is both a force, particularly in the trade unions, and not a force! As a French journalist long resident in Japan put it, there is little "spirit of protest" in the country. The present (democratic) government assumes in the eyes of the people a power as trancendental as the almost religious eminence of the Emperor in bygone days.

There is a theatre school, but I judged the actors insufficiently trained for the modern stage. I inquired if there was any knowledge among them of the Stanislavsky system. Indeed there is, I was told, but there is greater interest in Brecht's methods because "they are closer to the Japanese temperament." This is understandable when one remembers the anti-naturalistic bias of the Brechtian canon with its emphasis on objective detachment. I associated the reference to Japanese temperament with something I read in the program of the Noh theatre. In the Noh play only the main personage (apart from the men who play women's roles) wears a mask—because the tradition has it that *"the mask is more expressive than the human face."*

A conviction grew in me as I was about to leave the country that within these theatrical pronouncements lay hidden some principle or clue which might unify the multiple data of my Tokyo stay. Despite the howlers inherent in headlong generalization, I decided to make a "tableau" of my variegated impressions.

The essential Japanese approach to life is aesthetic. Japanese ethics are aesthetics. Japanese morality is more a matter of balancing courtesies than an effusion or a formalization of sentiments. What we call "heart" is a virtue rarely emphasized.

In an aesthetic world view both good and evil can be made splendid through artistic and intellectual mastery. Ugliness itself needs only discipline to be made elegant. This is pagan, "liberal" and permissive. The Japanese are an ironic people. Irony is a way of checking clashing impulses; it is a step toward balance. To be truly comprehended, life must be contemplated as a lofty spectacle which like all play has a tendency to collapse in farce. The unseemly is often considered more comic than shocking. But a fascination with blood is also clearly marked in Japanese art. Blood is the most specific emblem of life's drama, and the shedding of it (one's own or another's) serves to release the aggressive instincts which must perforce lie beneath a constantly controlled, in this case an aesthetically formalized, existence. The Japanese, polite to the point of courtliness, are prone to sudden fits of nervous rage and hysteria. Where the aggressive instinct does not find physical expression it takes on the guise of another sort of "irony" which is difficult to differentiate from malice.

The Japanese are sometimes accused of hypocrisy, a charge inevitable with the use of the mask which the formalized control of relations entails. The Japanese are eye-minded rather than ear-minded, and the eye is less "soulful" than the ear!

The democracy of the machine is now releasing new forces with tremendous speed and energy. Advanced capitalism is a great leveler. Women, once the glorified slaves and adornment of Japan, are changing their status. Many believe that women are the only ones to have unequivocally improved their condition in the new society, but the women themselves feel that their lot has not been sufficiently ameliorated.

Though homosexuality is still regarded with serene impartiality—the pagan smilingly admits every appetite — the demands of modern efficiency lead to a certain "Puritanism." Did not the Japanese Supreme Court punish the publication of *Lady Chatterley's Lover*? Yet at the same time one finds extreme samples of popular erotica in many book stalls. And Tokyo streets steam with sensuality.

The Japanese intellectual is convinced that in America the artist and the highly cultivated carry far greater weight and are more respected than in his country, where now only the big banker and the monopoly industrialist matter — though they were presumed to have been exorcised during the American occupation. Japan is prosperous, but everyone asks, "will it last?"

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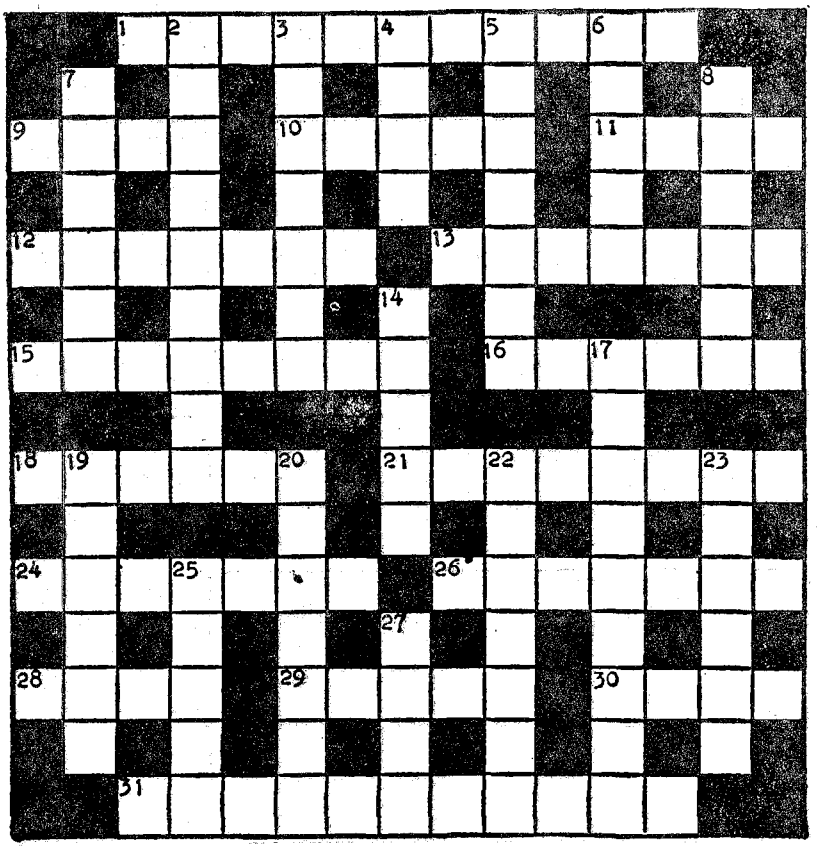
Crossword Puzzle No. 1023

By FRANK W. LEWIS



ACROSS:

1 Pirate ship, if you're referring to the Captain! (5, 6)
9 and 16 across Flourishes with muffins, breakfast food, etc. (10)
10 See 21 across
11 Worthless 4, by the sound of it. (4)
12 Joke thrust upon me subjectively by provincial types? (7)
13 To rest in refuse shows such stupidity! (7)
15 Having worked to a degree, one could still be a miss, despite the usual connotation. (8)
16 See 9 across
18 Comes together to fight about certain churches? (6)
21, 14 down and 10 across Not a legal standard, in the main. (5, 3, 10)
24 Would "Life With Father" be so entertaining? (7)
26 Accepted practice with an old-time plane. (7)
28 Dog food? (4)
29 A relatively short period of time with one so lovely! (5)
30 See 8 down
31 Sends for raw material, in a way, in displaying perversity. (11)

DOWN:

2 Slangy term for certain apparel which should start a pirate out. (4-5)
3 See 25 down
4 With this, you might at least know where the blow came from. (4)
5 Sends up the wrong sort to hang. (7)
6 Listen to this drop! (Goes with a number first.) (5)
7 This could come as a shock to you. (6)
8 and 30 Not the one in the Rhine, but still associated with Lorelei. (6, 4)
14 See 21 across
17 Julia would have had less liquefaction without them. (9)
19 A hotel that was built for something other than love. (6)
20 How some parts are reversed in an undetermined manner? (7)
22 Descriptive of Gilbert and Sullivan's limited output? (7)
23 Look at what you'll certainly find if you've forgotten to fill the trays! (6)
25 and 3 The height of confusion? (5, 2, 5)
27 "I scratch my head with the lightning and ——— myself to sleep with the thunder." (Twain) (4)

SOLUTION TO PUZZLE NO. 1022

ACROSS: 1 Extraordinarily; 9 Paper clip; 10 Betel; 12 Key Largo; 14 Credenza; 16 Needs; 17 Alien; 18 Tridents; 20 Rifleman; 21 Shasta; 24 Erred; 25 Impostors; 26 Dress rehearsals. DOWN: 1 Esprit; 2 Taped; 3 A friend in need is a friend indeed; 4 Role; 5 Impresario; 6 Ambulance chaser; 7 Intersect; 8 Yellows; 13 Initiative; 15 Reinforce; 19 Tarsus; 22 Stoma; 23 Apse.

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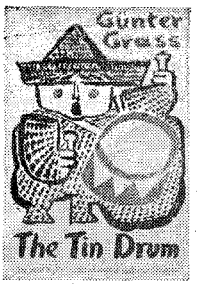

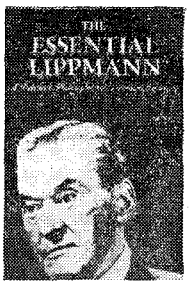

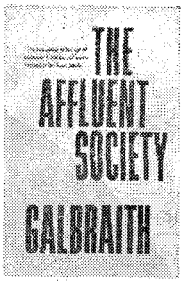

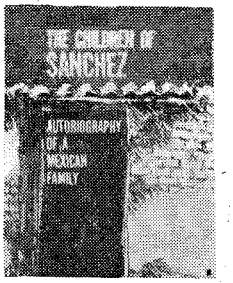

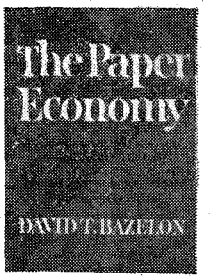

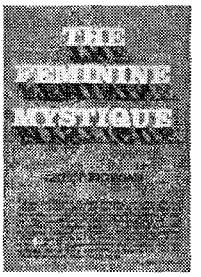

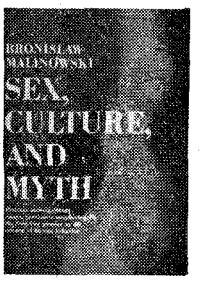

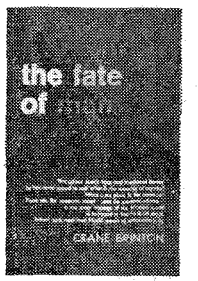

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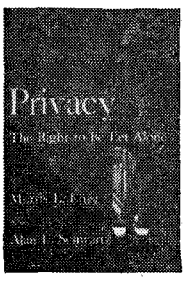

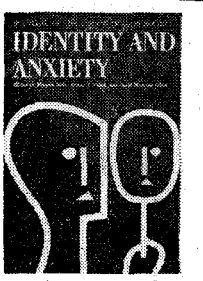

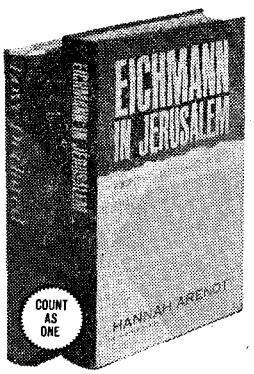

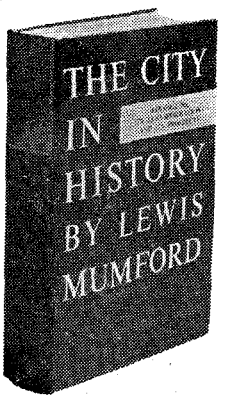

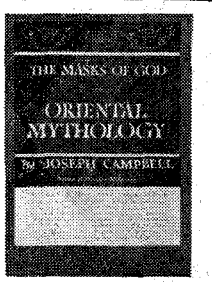

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